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*Analysing the construction of drugs as an existential threat to humankind and the nation state*

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**Security and the drug control *dispositif*:**  
**Analysing the construction of drugs as an existential threat to humankind**  
**and the nation state**

**By Emily Crick**

***A dissertation submitted to the University of Bristol in accordance with the requirements for award  
of the degree of PhD (Politics) in the Faculty of Social Sciences and Law, School of Sociology,  
Politics and International Studies (SPAIS), January 2018***

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**Declaration:**

I declare that the work in this dissertation was carried out in accordance with the requirements of the University's Regulations and Code of Practice for Research Degree Programmes and that it has not been submitted for any other academic award. Except where indicated by specific reference in the text, the work is the candidate's own work. Work done in collaboration with, or with the assistance of, others, is indicated as such. Any views expressed in the dissertation are those of the author.

SIGNED: .....Emily Crick.....

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## Abstract

It has commonly been argued that drugs have been securitized, however relatively little in-depth analysis has been carried out on this subject. This thesis addresses this gap in the literature by using a combination of Foucault's concept of the *dispositif* and a sociological interpretation of securitization theory to examine how drugs have become constructed as existentially threatening to humankind and the state by the United Nations (UN) and the United States of America (US). The two securitizations analysed here - the 1961 United Nations Single Convention on Narcotic Drugs (Single Convention) and US President Reagan's 1986 National Security Decision Directive 221 (NSDD-221) - took place within the wider historical context of a control-oriented *dispositif*, it is argued, but also re-shaped the international drug control system and the drug control *dispositif* in profound ways. The thesis concludes that the drug control *dispositif* has continued to evolve through time and across space, and that the securitization of drugs by the US and UN has limited the range of options available within international and domestic drug policies, often exacerbating the harms to humans and the state – the very referent objects that these securitizations aim to protect. Discourse analysis of archival documents from the British National Archives, the US National Archives and the Ronald Reagan Presidential Library and Museum, and process-tracing of media sources are used to examine the ways in which drugs became securitized and how these securitizations affected the drug control *dispositif*. In order to understand the context in which the securitization(s) of drugs occurred, this thesis firstly identifies the various forms of control that were used during the nineteenth and early twentieth centuries. It then analyses how the Single Convention and NSDD-221 established drugs as being threatening to humankind and the state through securitizing speech acts and non-discursive practices and how these securitizations re-oriented the drug control *dispositif* towards a prohibitionist paradigm. Finally, this thesis explores how various discourses and practices are challenging the 'drugs as a threat' discourse but still sit firmly within the drug control *dispositif*.

## CONTENTS

### Chapter One. Introduction

1. Introduction .....	11
2. Research questions and reflexivity .....	14
3. What are drugs? .....	20
4. Thesis structure .....	27

### Chapter Two. Securitization as a Political Process: Theory and Method

1. Introduction .....	30
2. What is distinctive about securitization theory? .....	31
3. Securitizations as combination of contextually situated speech acts and practices within the drug control <i>dispositif</i> .....	34
4. The relevance of a 'sociological' approach to the securitization of drugs .....	39
5. The securitizing 'acts': speech act(s) and practices .....	42
5.1. Function and importance of the speech act .....	42
5.1.1. The referent object .....	47
5.1.2. The existential threat .....	47
5.1.3. Extraordinary measures – politics, security and emergency .....	49
5.2. Discursive and rhetorical strategies .....	50
5.3. Securitization through practice .....	53
6. Agents of securitization .....	54
6.1. Actor(s) .....	54
6.2. The audience(s) .....	59
7. Context: more than just a facilitating condition .....	61
8. When does a 'successful' securitization occur, and does it really matter? .....	64
9. Responses: desecuritizations, counter-securitizations and resistance .....	66
10. Methodology .....	68
10.1. Discourse analysis and the speech acts .....	70
10.2. Intratextuality and discursive themes .....	72
10.3. Process-tracing and securitization studies .....	74
11. Conclusion .....	76

### **Chapter Three. The Historical Evolution of the Drug Control *Dispositif***

1.	Introduction .....	78
2.	The development of the drug control <i>dispositif</i> .....	80
2.1	Governmentality and biopolitics: statistics and licensing .....	83
2.2	Surveillance and discipline: moral and social controls .....	86
2.3	Law and coercion: trade and criminalisation .....	88
3.	The ‘foundational treaties’: cooperation, control and threat .....	94
3.1.	The need for international cooperation .....	94
3.2.	National interest versus international controls .....	97
3.3.	What is the threat?: defining ‘legitimate’ use .....	99
3.4.	The international drug control system: expert bodies and the creation of a monitoring system .....	102
3.5.	Forms of control: prohibition or regulation .....	105
4.	Conclusion .....	109

### **Chapter Four. ‘Drug Addiction as a Serious Evil’: The Construction of Drugs as a Threat to Humankind in the 1961 UN Single Convention**

1.	Introduction .....	118
2.	The securitizing ‘acts’: speech act(s) and practices .....	114
2.1	The Single Convention as a speech act .....	114
2.1.1.	The referent object .....	118
2.1.2.	The existential threat .....	120
2.1.3.	Extraordinary measures .....	124
2.2.	The discursive and rhetorical strategies .....	127
2.3.	Practices that contributed to the securitization of drugs: national and international policies .....	130
2.3.1.	Incorporation of the Single Convention into domestic law .....	131
2.3.2.	Access to essential medicines .....	136
3.	The agent: actor(s), audiences .....	138
3.1.	Those who supported the designation of ‘security’ .....	138
3.1.1.	The US and their allies .....	137
3.1.2.	The drug control bodies .....	140
3.2.	Oppositional voices at the plenipotentiary conference .....	143

3.2.1 Substances under control and changes to the scope of control .....	144
3.2.2. Production controls .....	146
3.2.3. Treatment for problematic users .....	149
3.3. The 'audiences': ratification and US-led opposition to the Single Convention .....	152
4. Context: Growing US hegemony and the development of the international system .....	156
5. Conclusion .....	159

**Chapter Five. The Illicit Drugs Trade as a Threat to 'The Integrity of Democratic Governments': The Construction of Drugs as a Threat to the State in US National Security Decision Directive 221 (1986)**

1. Introduction .....	161
2. The securitizing 'acts': speech act(s) and practices .....	165
2.1. National Security Decision Directive 221 (NSDD-221) as a speech act .....	165
2.1.1. Referent object .....	168
2.1.2. The existential threat(s) .....	168
2.1.3. Extraordinary measures .....	171
2.2. The discursive and rhetorical strategies .....	174
2.3. Practices that contributed to the securitization of drugs .....	179
2.3.1. Posse Comitatus Act .....	179
2.3.2. Legal reforms .....	181
2.3.3. The decline in federal treatment programmes .....	182
2.3.4. 'Certification' .....	183
3. The agents: actor(s) and audiences .....	184
3.1. Those who supported the designation of 'security' .....	185
3.1.1. The Reagan administration .....	186
3.1.2. Nancy Reagan .....	190
3.1.3. Federal Bodies .....	192
3.1.4. Congress .....	193
3.2. Oppositional voices .....	195
3.2.1. The Department of Defense .....	196
3.2.2. The cannabis decriminalisation and legalisation movements .....	197
3.3. The 'audience(s)' .....	199
3.3.1 The media .....	200
3.3.2 The general public .....	201
3.3.3 International audiences .....	202

4.	The context .....	204
4.1.	The Cold War and the Reagan Doctrine .....	204
4.2.	'Family Values' .....	207
5.	Conclusion .....	208

#### **Chapter Six. Harm Reduction, Decriminalisation and Regulation as Challenges to the 'Drugs as a Threat' Discourse**

1.	Introduction .....	211
2.	The securitization of drugs in the 21 <sup>st</sup> century .....	213
2.1.	Russia's 'war on drugs' .....	214
2.2.	Mexico's 'war on drug cartels' .....	216
2.3.	The Philippines 'war on drug users' .....	217
3.	Harm reduction: the medical and social control of drug users .....	218
3.1.	Needle and syringe exchange programmes .....	220
3.2.	Opiate substitution therapies .....	222
3.3.	Drug consumption rooms .....	234
3.4.	Harm reduction for producers and dealers .....	226
4.	Decriminalisation of drug possession for personal use .....	228
3.1.	The Netherlands 'coffee shop' system .....	229
3.2.	Portugal's decriminalisation of drug possession .....	232
3.3.	International health organisations (IHOs) and UN agencies call for decriminalisation .....	234
5.	Legally regulated markets for the supply of cannabis .....	237
6.	Conclusion .....	242

#### **Chapter Seven. Conclusion**

1.	The 'sociological' interpretation of securitization theory in application .....	244
2.	Securitization and the drug control <i>dispositif</i> .....	247
3.	From regulation to prohibition .....	249
4.	Re-evaluating NSDD-221 and the US 'war on drugs' .....	251
5.	Challenges to the 'drugs as a threat' discourse .....	252
6.	Conclusion .....	253
	<b><u>Bibliography</u></b> .....	256



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### **List of abbreviations**

ACMD – (UK) Advisory Council of the Misuse of Drugs

AIDS – Acquired Immune Deficiency Syndrome

BSSR - Byelorussian Soviet Socialist Republic

CIA – (US) Central Intelligence Agency

CND – Commission on Narcotic Drugs

CS – Copenhagen School

DCRs - Drug Consumption Rooms

DEA – (US) Drug Enforcement Administration

DND – (UN) Division of Narcotic Drugs

DoJ – (US) Department of Justice

DORA – (UK) Defence of the Realm Act

DSB - Drug Supervisory Board

ECOSOC - UN Economic and Social Council

EMCDDA - European Monitoring Centre for Drugs and Drug Addiction

FBI – (US) Federal Bureau of Investigation

FBN – (US) Federal Bureau of Narcotics

GDPR - Global Drug Prohibition Regime

HIV – Human Immunodeficiency Virus

IACP - International Association of Chiefs of Police

IDUs - Injecting Drug Users

IHOs - International Health Organisations

ILO - International Labour Organization

INCB – International Narcotics Control Board

ISAF - International Security Assistance Force (in Afghanistan)

NGO – Non-governmental Organisation

NIE – (US) National Intelligence Estimate

NSA – (US) National Security Advisor

NSC – (US) National Security Council

NSDD-221 – (US) National Security Decision Directive 221

NSDDs – National Security Decision Directives

NSDs - National Security Directives

NSPG – (US) National Security Planning Group

NSPs - Needle and Syringe Exchange programmes

OAC - Opium Advisory Committee

ONDCP – (US) Office of National Drugs Control Policy

OPBAT – (US) Operation Bahamas and Turks and Caicos

OSTs - Opium Substitution Therapies

PCA – (US) Posse Comitatus Act

PCOB - Permanent Opium Control Board

UAR - United Arab Republic

UK – United Kingdom of Great Britain and Northern Ireland

UN – United Nations

UNAIDS - the Joint United Nations Programme on HIV/AIDS

UNDCP - United Nations Drug Control Programme

UNDP - UN Development Programme

UNESCO - UN Educational, Scientific and Cultural Organization

UNFPA - United Nations Population Fund

UNGASS - United Nations General Assembly Special Session

UNHCR - UN High Commission for Refugees

UNICEF - UN Children's Emergency Fund

UNODC – United Nations Office on Drugs and Crime

US – United States

USSR – United Soviet Socialist Republic

WHO – World Health Organization

## Chapter One.

### Introduction

#### **1. Introduction**

Drugs, both legal and illegal, have been prohibited in various forms in different states at different points in time. However, since the beginning of the twentieth century there has been a movement, led largely by the United States of America, to prohibit the production, trade and use of specific drugs for non-medical and non-scientific purposes at the international level. This reached a point of global acceptance after the United Nations Single Convention on Narcotic Drugs (hereafter referred to as the Single Convention) was ratified. The Single Convention identified illicit drug use as “evil”<sup>1</sup> and as a threat to humankind. Though the Single Convention is neither the beginning nor the end of the development of the international drug control system, it is the corner-stone of what Ethan Nadelmann calls the ‘global drug prohibition regime’.<sup>2</sup> It is one of the most ratified UN conventions<sup>3</sup> and the accepted interpretation of the convention established a punitive prohibition regime that most states still see as the basis for their national drug policies.<sup>4</sup> Whilst the Single Convention itself does not specifically demand the prohibition of drugs for non-medical and non-scientific purposes – it merely suggests that if states deem it necessary, they should prohibit – a global consensus has been created whereby prohibition is the most likely outcome. This interpretation has been promoted largely by global drug control bureaucrats, such as the United Nations Office on Drug Control (UNODC) and the International Narcotics Control Board (INCB) - which was established under the auspices of the Single Convention - and the United States.<sup>5</sup> Between the INCB who regard themselves as the ‘guardians of the treaties’<sup>6</sup> and often speak out against states that they believe are defying either the provisions or

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<sup>1</sup> United Nations, *The Single Convention on Narcotic Drugs of 1961*, (New York: United Nations, 1964), p. 11.

<sup>2</sup> Ethan Nadelmann, ‘Global Prohibition Regimes: The Evolution of Norms in International Society’, *International Organization*, Vol. 4: 4, 1990, pp. 502-513.

<sup>3</sup> At time of writing, treaty adherence currently stands at 186 countries out of 193 UN member states according to the United Nations Office on Drugs and Crime. See, United Nations Office on Drugs and Crime (UNODC), *Status of treaty adherence*, UNODC, [online]. Available from: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=VI-18&chapter=6&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-18&chapter=6&clang=en) (accessed 14/01/18).

<sup>4</sup> Constanza Sánchez-Avilés and Ondrej Ditrych, ‘The Global Drug Prohibition Regime: Prospects for Stability and Change in an Increasingly Less Prohibitionist World’, *International Politics*, 2017, p. 3.

<sup>5</sup> Sánchez-Avilés and Ditrych, pp. 8-10.

<sup>6</sup> International Narcotics Control Board (INCB), *Report for the International Narcotics Controls Board for 2001*, E/INCB/2001/1, (New York: United Nations, 2002), p. 1.

the 'spirit' of the conventions, and the US, who have often acted as the enforcer of the treaties,<sup>7</sup> there is a strong motivation for states to abide by the most commonly accepted interpretation – based on punitive prohibition - of the international drug control system.

Before the Single Convention was enshrined in international law, there was little unanimity about how drugs should be controlled, although since the beginning of the twentieth century there has been a recognition that these substances should be subject to some kind of international and domestic controls. At the international level, these controls were largely limited to trade and manufacturing restrictions for licit drugs; at the domestic level states used a range of different mechanisms to manage drugs including regulatory systems, prescriptions, licencing, taxation and criminalisation. The Single Convention, created, on the surface, a more uniform way of managing drugs but also limited the options available to states through the commitment to restrict drug use to medical and scientific purposes only. It was originally proposed in order to merge and rationalise the previous conventions that had been drawn up under the League of Nations, as well as address the lack of controls around the production of raw materials such as coca, opium and cannabis. It was also supposed to be “a convention to end all [drug] conventions”,<sup>8</sup> however in the 1970s and 1980s new concerns arose firstly, about psychotropic drugs (those substances not included in the Single Convention) and secondly, about illicit trafficking, leading to two new conventions – the Convention on Psychotropic Substances, 1971 and the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (hereafter referred to as the 1988 UN Convention). The Single Convention itself was also amended in 1972 at the behest of the Americans to include additional controls over the production of raw materials.

Analysing the substance of the Single Convention, the wider context that it emerged from and the practices that shaped or reinforced it, shows how the 'drugs as a threat' discourse became institutionalised through the UN and how prohibition became the primary form of drug control across most of the world. The acceptance of this discourse resulted in drugs becoming securitized at the

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<sup>7</sup> Peter Andreas and Ethan Nadelmann, *Policing the Globe: Criminalization and Crime Control in International Relations*, (Oxford: Oxford University Press, 2006), p. 38 & p. 43; Jurg Gerber and Eric L. Jensen, 'The Internationalization of U.S. Policy on Illicit Drug Control', in *Drug War American Style: The Internationalization of Failed Policy and Its Alternatives*, ed. by Jurg Gerber and Eric L. Jensen, (New York: Garland Publishing, 2001), p. 11.

<sup>8</sup> Herbert May, 'Single Convention on Narcotic Drugs; Comments and Possibilities', *Bulletin of Narcotic Drugs*, Issue 1, 1955 [online]. Available from: < [https://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin\\_1955-01-01\\_1\\_page002.html](https://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin_1955-01-01_1_page002.html) > (accessed 28/10/11).

international level and a reorientation of the drug control *dispositif*. This securitization was then reconstituted by the Reagan administration with a new referent object - the state - and a new threat - illicit trafficking - that was then incorporated into the 1988 UN Convention reorienting the drug control *dispositif* once more. This thesis will use a combination of the securitization framework first elucidated by Buzan, Wæver and de Wilde and Foucault's concept of the *dispositif*<sup>9</sup> in order to analyse the development of international drug policy and the accompanying 'drugs as a threat' discourse. By using securitization theory, particularly the work of 'second generation' securitization scholars who emphasise a more context-laden, process-orientated approach, the thesis identifies key points in the development of the 'drugs as an existential threat' narrative and shows how they have re-shaped the drug control *dispositif*. The two primary speech acts to be analysed here are the 1961 UN Single Convention on Narcotic Drugs and US President Reagan's 1986 National Security Decision Directive 221. Each of these speech acts, it will be argued, illustrates a key stage in the development of the securitization of drugs as well as the international drug control system. NSDD-221 has been chosen as a speech act because it highlights the evolution of a new referent object that is threatened by drugs: where the Single Convention was concerned about the threat to humanity, NSDD-221 - and the 1988 UN Convention that followed it - identified the state as the referent object. NSDD-221 also established a new role for the military in combatting the 'drug threat' which was replicated internationally.

Securitization theory helps explain how the consensus on international drug policy was established and maintained, it also helps explain why it has been so hard to challenge this perspective. Some of the key themes to be explored using the securitization framework are the creation and power of the international drug control system (with the referent object being the 'the global self'), the way that those countries that have deviated from the prohibitionist norm have been criticised (which reinforces the idea that prohibition is the only effective policy) and how drugs have been 'framed' as a threat to humankind and the state over time and through space. Analysing the securitization(s) of drugs within a pre-existing *dispositif* of control does a number of additional things. Firstly, deployment of the *dispositif* highlights the overwhelming acceptance and longevity of these securitizations, secondly, it illuminates how these securitizations established, and then reinforced, prohibition as the primary form of accepted drug control across the globe. Finally, it draws attention to the range of drug control

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<sup>9</sup> Foucault defines the *dispositif* as "a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions – in short, the said as much as the unsaid." Michel Foucault, 'The Confession of the Flesh', in *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, ed. by Colin Gordon, (New York: Pantheon Books, 1980), p. 194.

options that have existed throughout time, and therefore, shows how these securitizations analysed in this thesis have reduced the range of tools available to states when devising policies to deal with drugs and drug use.

Whilst some scholars, particularly those that are critical of the system, refer to the drug conventions as part of a 'global drug prohibition regime',<sup>10</sup> the bodies that oversee these treaties, such as the International Narcotics Control Board (INCB), the Commission on Narcotic Drugs (CND) and the United Nations Office on Drugs and Crime (UNODC) refer to them as the international drug control system(s).<sup>11</sup> This is important within this thesis because control and prohibition are not synonymous; indeed, there are many forms of drug control and prohibition is only one of them. This thesis, therefore, will explore the struggle for the meaning of drug control across time and space, and how prohibition became a hegemonic form of control, in spite of continued contestation. The two case studies analysed in this thesis have contributed to an increasingly securitized, and therefore punitive, prohibition system being established across much of the world and this has limited the range of options for control open to states.

## **2. Research questions and reflexivity**

This thesis analyses two research questions, one empirical and the other, theoretical. The first research question is: how have drugs been constructed as an existential threat at the international level and how has this construction changed over time? In order to answer this question a series of sub-questions need to be asked: firstly, what aspects of drugs have been securitized? Secondly, how have practices contributed to these securitizations? Thirdly, what effects have these securitizations had on the drug control *dispositif*? The second research question asks: to what extent does the 'sociological' interpretation of securitization theory, in conjunction with deployment of the concept

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<sup>10</sup> Nadelmann, pp. 502-513; David R. Bewley-Taylor, *The United States and International Drug Control 1909-1997*, (London: Continuum, 1999), p. 14; Eva Herschinger, *Constructing Global Enemies: Hegemony and Identity in International Discourses on Terrorism and Drug Prohibition*, (Abingdon: Routledge, 2011), p. 63; Eva Herschinger, 'The Drug *Dispositif*: Ambivalent Materiality and the Addiction of the Global Drug Prohibition Regime', *Security Dialogue*, Vol. 46: 2, 2015, pp. 183-201.

<sup>11</sup> International Narcotics Control Board (INCB), *International Drug Control Systems: Control of Narcotic Drugs, Psychotropic Substances and Precursor Chemicals*, INCB, 2009 [online]. Available from: [https://www.gs1.org/docs/healthcare/events/170309/14\\_Vienna09\\_Rebbani\\_United\\_Nations.pdf](https://www.gs1.org/docs/healthcare/events/170309/14_Vienna09_Rebbani_United_Nations.pdf) (accessed 14/11/17).

of the *dispositif*, provide a better understanding of the processes of threat-construction than the original Copenhagen School framework?

Whilst there is an abundance of scholarly literature that acknowledges that drugs have, in one way or another been securitized,<sup>12</sup> very little of it identifies what exactly has been securitized, i.e. drug addiction, drug use, drug trafficking or drugs *per se*. Furthermore, much of the academic writing that refers to the securitization of drugs fails to place the securitizations that they deal with – whether drug trafficking in Central Asia or US-led drug policy in the Americas – within an international drug control system that favours prohibition.<sup>13</sup> This leads to a confusion between the existential threat (drugs,

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<sup>12</sup> For example, Nicole Jackson, 'International Organizations, Security Dichotomies and the Trafficking of Persons and Narcotics in Post-Soviet Central Asia: A Critique of the Securitization Framework', *Security Dialogue*, Vol. 37: 3, 2006, pp. 299-317; Herschinger, *Constructing Global Enemies*, pp. 60-98; Nicholas Dorn, 'UK Policing of Drugs Traffickers and Users: Policy Implementation in the Contexts of National Law, European Traditions, International Drug Conventions and Security After 2001', *Journal of Drug Issues*, Vol. 34, 2004, pp. 533-550; Ralf Emmers, 'Securitization', in *Contemporary Security Studies*, ed. by Alan Collins, (Oxford: Oxford University Press, 2007), pp. 120-121; Kyle Grayson, *Chasing Dragons: Security, Identity, and Illicit Drugs in Canada*, (Toronto: University of Toronto Press, 2008); Alba Hesselroth, 'Struggles of Security in US Foreign Drug Policy Towards Andean Countries', *Peace, Conflict and Development* [online], Vol. 5, 2004. Available from: < <https://www.bradford.ac.uk/social-sciences/peace-conflict-and-development/issue-5/StrugglesofSecurity.pdf> > (accessed 03/02/11) ; Volker Franke, 'Framing Security: A Matrix for Measuring Threats', paper presented at the annual meeting of the *International Studies Association*, Hilton Hawaiian Village, Honolulu, Mar 5th, 2005 [online]. Available from: < [https://works.bepress.com/volker\\_franke/78/](https://works.bepress.com/volker_franke/78/) > (accessed 03/02/11); William, P. Bloss, 'Comparative European and American Drug Control Policy: An Examination of Efficacy and Contributing Factors', *Ethics, and Social Philosophy Online Quarterly Review*, Vol. 2: 2, 2005, pp. 1-18; Sayaka Fukumi, *Cocaine trafficking in Latin America: EU and US policy responses*, (Aldershot: Ashgate Publishing Ltd, 2008), pp. 93-111; Barry Buzan and Olé Wæver, *Regions and Powers; the Structure of International Security*, (Cambridge: Cambridge University Press, 2003), p. 296, p. 328; Barry Buzan and Olé Wæver, 'Macrosecritisation and Security Constellations: Reconsidering Scale in Securitisation Theory', *Review of International Studies*, Vol. 35, 2009, p. 258; David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity*, (Minneapolis: University of Minnesota Press, 1992), pp. 198-222.

<sup>13</sup> For example, Hesselroth, Franke and Buzan and Wæver in both *Regions and Powers* and 'Macrosecritisation' all refer to the US 'war on drugs' without placing the policies discussed within the international system of drug control that has given legitimacy to US counter-narcotics policies. By laying the blame solely on the US, they fail to recognise the role of the UN Conventions in maintaining and promoting



drug use, drug trafficking) and the impacts of the extraordinary measures (a growing illicit trade in drugs and increased violence and corruption resulting from that trade, i.e. the 'drug problem') as one becomes conflated with the other. Even when the literature is critical of certain aspects of the securitization of drugs, such as Nicole Jackson<sup>14</sup> and Alba Hesselroth,<sup>15</sup> the question of whether the securitization of drugs is necessary or appropriate, or indeed is capable of bringing about the desired results – be that reduction in the production and use of drugs, or reduction in the harm caused to humans, states and regional or international security – is never asked. For example, Hesselroth reminds us of Olé Wæver's warning that whilst labelling a problem as a 'security issue' may allow it to be given a higher priority, securitization is not without its own dangers: the range of options with which to address a securitized issue becomes limited to "threat, defence and state-centred solutions".<sup>16</sup> He then argues that the US approach to drugs in the Andean region is problematic because it has been blighted by a similarly militarised, threat-based approach.<sup>17</sup> Whilst he notes that this form of securitization has had dangerous consequences for the Andean countries, he then argues that "given the threatening effects of the drug problem, its securitisation – in a more appropriate, less harmful way – is crucial."<sup>18</sup> The question of whether the securitization of drugs can alleviate the 'drug problem' is important because as Carsten Bagge Laustsen and Olé Wæver note, when something is securitized there are implications "'internally' (for instance by inhibiting debate and democracy) and 'externally' by often stimulating conflict, security dilemmas and escalation."<sup>19</sup> This critique seems particularly pertinent to drug policy. Those that attempt to debate alternatives, including harm reduction methods, to the current policy are often labelled as 'pro-drug'<sup>20</sup> and discussions surrounding

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prohibitionist policies. Jackson analyses the role of the UNODC in securitizing drug trafficking in Central Asia without mentioning the 1988 UN Convention at all.

<sup>14</sup> Jackson, p. 299-317.

<sup>15</sup> Hesselroth, [online].

<sup>16</sup> Olé Wæver, 'Securitization and Desecuritization' in *On Security*, ed. by Ronnie Lipschutz, (New York: Columbia University Press, 1995), p 25; Hesselroth, [online].

<sup>17</sup> Hesselroth, [online].

<sup>18</sup> Hesselroth, [online].

<sup>19</sup> Carsten Bagge Laustsen and Olé Wæver, 'In Defence of Religion: Sacred Referent Objects for Securitization', *Millennium*, Vol. 29, 2000, p. 708-9.

<sup>20</sup> The Executive Summary of the UNODC's World Drug Report 2009 argues, "Why unleash a drug epidemic in the developing world for the sake of libertarian arguments made by a pro-drug lobby that has the luxury of access to drug treatment?" See, United Nations Office on Drugs and Crime (UNODC), *World Drug Report 2009*, (Vienna: UNODC, 2009), p.1.

decriminalisation/legalisation are often dismissed out of hand.<sup>21</sup> The external implications are even plainer to see: the rhetorical ‘war on drugs’ at times becomes a very real war as in Colombia, Mexico or Afghanistan, for example. Whilst practices on the ground are challenging both the prohibition system and the ‘drugs as a threat’ discourse, at the international level there is little willingness to move beyond the status quo.<sup>22</sup>

The intention of this research is threefold: to improve upon the current academic literature on the securitization of drugs through an in-depth analysis of two key speech acts, to place the securitization(s) of drugs within a broader drug control *dispositif* that encompasses a wider range of control options than just prohibition, and to contribute to the development of securitization theory. By doing so, this thesis aims to show that ‘second generation’ securitization theory provides a more in-depth framework for analysing empirical examples of threat-construction. It also aims to identify the processes by which drugs became constructed as a threat and to highlight how drug prohibition is both the result of geo-political, economic and moral concerns as well as being only one option out of many that have been used to control drugs. The thesis will analyse the speech acts in order to consider the processes through which drugs became securitized, what was securitized and by whom. This approach offers useful explanatory power in understanding the hegemonic discourse of prohibition.

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<sup>21</sup> Article VII of the United States’ Office of National Drugs Control Policy (ONDCP) states that the director and deputy director, “shall ensure that no Federal funds appropriated to the Office of National Drug Control Policy shall be expended for any study or contract relating to the legalization (for a medical use or any other use) of a substance listed in schedule I of section 202 of the Controlled Substances Act (21 U.S.C. 812) and take such actions as necessary to oppose any attempt to legalize the use of a substance (in any form)”, United States’ Office of National Drugs Control Policy (ONDCP), *Article VII, 1998*, [online]. Available from: <<http://www.whitehousedrugpolicy.gov/about/98reauthorization.html>> (accessed 10/07/12); In 2009, President Obama’s Drugs Czar, Gil Kerlikowske announced that “legalization is not in the president’s vocabulary and it’s not in mine.” See, Paul Armentano, ‘Meet Obama’s Drug Czar, Same as the Old Czar’, Texas NORML, 24th July 2009 [online]. Available from: <<https://www.texasnorml.org/meet-obamas-drug-czar-same-as-the-old-czar/>> (accessed 10/07/12).

<sup>22</sup> See the reluctance of the UN General Assembly Special Session (UNGASS) on drugs in 2016 to explicitly mention harm reduction as an example of this. See, Ann Fordham and Martin Jelsma, ‘Will UNGASS 2016 Be the Beginning of the End For the ‘War on Drugs’?’, *Open Democracy*, 16<sup>th</sup> March 2016 [online]. Available from: <<https://www.opendemocracy.net/drugpolicy/ann-fordham-martin-jelsma/will-ungass-2016-be-beginning-of-end-for-war-on-drugs>> (accessed 28/03/16).

Problematizations								
	Drugs as a threat discourse					Drug policy as a problem		
Modes of control		Drugs	Drug use	Drug production	Drug trafficking	Crime, violence and marginalisation	Infectious disease and overdoses	Prohibition
Regulation	Legal regulation of cannabis				X	X		X
Decriminalisation	Dutch coffee shops					X		X
	Portuguese decriminalisation			X	X	X	X	X
	Harm reduction - NSPs and OSTs					X	X	
Harm reduction within prohibition	Drug consumption rooms					X	X	
	Swiss heroin prescription				X	X	X	
	Harm reduction - focussed deterrence					X		
	The 'British System'				X		X	
Prohibition	1961 UN Single Convention	X	X	X	X			
	1988 UN Convention	X	X	X	X			
	NSDD-221 and US federal drug policy	X	X	X	X			
	Russia's 'war on drugs' (2006 to present)	X	X	X	X			
	Mexico's 'war on drug cartels'			X	X			
	Philippines 'war on drug users'	X	X		X			

**Table 1: The Drug Control *Dispositif*.**

Table 1 (The Drug Control *Dispositif*) illustrates which aspects of the 'drug problem' are problematized<sup>23</sup> in the speech acts considered in this thesis and various national drug policies that

<sup>23</sup> Carol Bacchi explains that Foucault used the term 'problematization' in two ways: firstly, to describe his mode of analysis, which explores how the issue is presented, managed and classified; secondly, he uses the

will be discussed in Chapters Three and Six. On the surface, it seems as if the first speech act analysed in this thesis – the Single Convention – was specifically aimed at the threat posed by the addiction of narcotic drugs, but as will be discussed in further detail in Chapter Four, this is not the case. Rather, the Single Convention was concerned with all illicit drug use, whether it caused addiction or not, and this was made explicit in the 1972 Amending Protocol with its emphasis on ‘drug abuse’. The same is true of the second speech act – Reagan’s 1986 National Security Decision Directive 221 – although its predominant focus was on how the illicit trade in drugs threatened the national security of the US and other states, this cannot be separated from the illicit use of drugs within the US, as will be discussed in Chapter Five. Indeed, within government and public discourse at the time, drug use in the United States was frequently portrayed as being a threat to the American way of life as well as a source of funding for US enemies abroad. Not only do the speech acts address broader threats than are explicitly stated, but also, the word ‘drug’ itself is not clearly defined and means different things in different situations, as will be explored below. Both speech acts, and the practices<sup>24</sup> that accompanied them, problematized ‘drugs’ as the threat and were predicated on the goal of a “drug-free world”.<sup>25</sup>

The problematizations represented in Table 1 have been divided into those that represent ‘drugs’ (or drug use, drug trafficking and drug production) as a threat and those that attempt to mitigate some of the negative outcomes of drug policy (prohibition). Practices that operate as part of, and reinforce, the ‘drugs as a threat’ discourse tend to be more prohibitionist in nature and see a ‘drug-free world’ as the overall aim. Conversely, practices such as ‘harm reduction’, decriminalisation or legal regulation recognise that a ‘drug-free world’ is not a realistic aim and are more likely to be concerned with the public health and social impacts of drugs. They therefore focus on alleviating

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term as a way of understanding how an issue becomes identified as a problem and how it is formed as an object of concern. See, Carol Bacchi, ‘Why Study Problematizations? Making Politics Visible’, *Open Journal of Political Science*, Vol.2: 1, 2012, p. 1

<sup>24</sup> Balzacq argues that practices encompass either regulatory instruments that aim to normalise groups or individuals’ behaviour (e.g. national drug laws) or capacity tools that aim to facilitate decision-making by groups or individuals (e.g. police databases). See, Thierry Balzacq, ‘A Theory of Securitization: Origins, Core Assumptions and Variants’, in *Securitization Theory: How Security Problems Emerge and Dissolve*, ed. by Thierry Balzacq, (Abingdon: Routledge, 2011), p. 17.

<sup>25</sup> In 1998 the UN General Assembly Special Session (UNGASS) on Drugs used the slogan “A drug-free world, we can do it”. See, United Nations International Drug Control Programme, *General Assembly Twentieth Special Session: World Drug Problem, 8-10 June 1998*, United Nations, 1998) [online]. Available from: <http://www.un.org/ga/20special/> (accessed 15/08/17).

some of the negative impacts of the illicit drug trade, whether that is violence, conflict, mass incarceration, human rights abuses or overdoses and HIV/AIDS infections.<sup>26</sup>

Table 1 also places these discourses and practices on a spectrum ranging from legal regulation to prohibition to illustrate the myriad modes of control that exist within the drug control *dispositif*. The systems of legally regulated cannabis in the Americas operate at one end of the spectrum with highly repressive drug policies such as those of the Philippines, Mexico and Russia at the other end, but in between these lie a range of policies that are not always so easy to place. For example, the Dutch system of ‘coffee shops’ functions both as a form of regulation – the ‘coffee shops’ have to be licensed by the local government and pay taxes – and decriminalisation – because the use of the drug is still technically illegal and the ‘coffee shops’ have to purchase their supplies from the illicit market. Furthermore, ‘harm reduction practices’ such as needle and syringe exchange programmes (NSPs), opiate substitution therapies (OSTs) and drug consumption rooms (DCRs), as well as the Swiss model of heroin prescription ultimately continue to function within the prohibitionist system because illicit drug use is still illegal. However, these policies, and those of decriminalisation – whether formal (Portugal) or informal (the Netherlands) - all recognise that this illegality contributes to the harms caused by non-medical drug use and therefore attempt to mitigate some of the negative impacts associated with the criminalised markets. Like Swiss heroin prescription, the ‘British System’ that allowed for the prescribing of drugs to dependent users, functioned within a ‘medico-penal’ framework.<sup>27</sup> The range of options other than prohibition will be discussed in more detail in Chapters Three and Six.

### 3. What are ‘drugs’?

The term ‘drug’ does not have an objective meaning, therefore it is important to examine what is meant by the word, and some of the normative assumptions associated with it. The word ‘drug’ is a signifier, which in the twentieth century came to mean something ‘bad’<sup>28</sup> and became associated with danger and threats to individuals and to societies, but this was not always the case. The questions surrounding what substances are described as ‘drugs’, which ‘drugs’ should be controlled as well as

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<sup>26</sup> Steve Rolles, George Murkin, Martin Powell, Danny Kushlick, Nicky Saunter, Jane Slater and Emily Crick, *The Alternative World Drug Report*, 2<sup>nd</sup> edition, (Bristol: Transform Drug Policy Foundation, 2016), pp. 10-14.

<sup>27</sup> Virginia Berridge, ‘The ‘British System’ and its History: Myth and Reality’, in *Heroin Addiction and the British System, Volume 1: Origins and Evolution*, ed. by John Strang and Michael Gossop, (Abingdon: Routledge, 2005), pp. 7-8

<sup>28</sup> Sánchez-Avilés and Ditrych, p. 11; Herschinger, ‘The Drug *Dispositif*’, p. 193.

how they are controlled, are crucial to understanding the evolution of the drug control *dispositif* and the 'drugs as a threat' discourse. The term 'drug' can be used to describe medicines, whether over-the-counter or prescribed products, and all psychoactive substances. As such the term includes licit substances – in the case of medicines, as well as alcohol, tobacco and caffeine – and substances that are controlled or 'illicit'.<sup>29</sup> The international drug conventions (1912-1988) were concerned initially with opium, but this was expanded later to include other opiates, cocaine and cannabis; other psychoactive substances were incorporated into the drug control system in 1971. Despite the broad range of substances that are technically drugs, the word is more generally associated with illicit substances. In trying to determine what constitutes a 'drug' and the political motives behind such definitions, it has been argued that the term "drug is not a descriptive but an evaluative concept..."<sup>30</sup> and that "what distinguishes a 'drug' is its legal status and the moral and social disapprobation it evokes"<sup>31</sup> rather than its health and social impacts. As Nadelmann and Andreas note:

That alcohol and tobacco have retained their legal status in international society while opium, coca and cannabis were delegitimated, stigmatized, and prohibited did not, it should be stressed, reflect any objective calculation of their potential harms, as in many respects the former present greater health and societal risks than the latter substances.<sup>32</sup>

In relation to the term 'harm', it should be noted that the word encompasses both physical and social effects.<sup>33</sup> Though it is fair to say that the negative health impacts of tobacco were not recognised until

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<sup>29</sup> Nigel South, 'Debating Drugs and Everyday Life: Normalisation, Prohibition and 'Otherness'', in *Drugs: Cultures, Controls and Everyday Life*, ed. by Nigel South, (London: Sage Publications, 2000), p. 3.

<sup>30</sup> Vincenzo Ruggiero, 'Drugs as a Password and the Law as a Drug: Discussing the Legalisation of Illicit Substances', in *Drugs, Cultures, Controls and Everyday Life*, ed. by Nigel South, (London: Sage Publications, 1999), p.123.

<sup>31</sup> Sue Pryce, 'The State of Discipline: Politics and Drugs', *British Journal of Politics and International Relations*, Vol. 8, 2006, p. 603.

<sup>32</sup> Andreas and Nadelmann, pp.44-45.

<sup>33</sup> For more details on the various range of social and physical harms caused by drugs and drug policy, see Robert J. MacCoun and Peter Reuter, *Drug War Heresies: Learning from Other Vices, Times and Places*, (Cambridge: Cambridge University Press, 2001), pp. 101-127; David Nutt, Leslie A King, William Saulsbury, Colin Blakemore, 'Development of a Rational Scale to Assess the Harm of Drugs of Potential misuse', *The Lancet*, Vol. 369, March 2007, pp. 1047-1049.

the mid-twentieth century,<sup>34</sup> alcohol has long been associated with deviancy and social and health harms.<sup>35</sup> Nevertheless, Pryce argues that “A drug, therefore, is not a medical or scientific construction: it is an enemy to be identified in all its many guises, feared, fought and routed to safeguard a nation’s citizens and way of life.”<sup>36</sup> The implicit normative assumptions surrounding which drugs should be subject to strict controls and which are not, can be further seen in stereotypes of drug use by minority groups in developed nations, as will be discussed in more detail below.

It is not only which drugs are worthy of being prohibited that should be explored, but also how these substances are described. Early on in the development of the drug control *dispositif* these substances were described as ‘dangerous drugs’ but gradually this has changed to ‘drugs of abuse’ and the use of such substances has become described as ‘drug misuse’.<sup>37</sup> For example, in the US and UK this shift is reflected in the names given to domestic drug laws: in the US, the language of the legal code changed from ‘narcotics’ to ‘Drug Abuse Prevention and Control Act’ of 1970; in the UK, the ‘Dangerous Drugs Act’ of 1920 was replaced by the ‘Misuse of Drugs Act’ of 1971.<sup>38</sup> It is also reflected in the 1972 amended version of the Single Convention whereby the conflation between drug ‘addiction’ and the illicit use of drugs became explicit (see Chapter Four). This shift reflected increased concern surrounding the use, and ‘misuse’, of these substances. The Single Convention defines ‘narcotic drugs’ as any substances which it lists in Schedules I, II and III of the Convention.<sup>39</sup> During the period under

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<sup>34</sup> Robert N Proctor, ‘The History of the Discovery of the Cigarette Lung Cancer Link: Evidentiary Traditions, Corporate Denial, Global Toll’, *Tobacco Control*, Vol. 21, 2012, pp. 87-91.

<sup>35</sup> For example, during discussions of the ‘Gin Craze’ in 18<sup>th</sup> century England links were made between poor parenting and deviancy and alcohol misuse. See, Henry Yeomans, *Alcohol and Moral Regulation: Public Attitudes, Spirited Measures and Victorian Hangovers*, (Bristol: Policy Press, 2014), pp. 35-42. Similar discourses surrounding alcohol and deviancy continue to this day alongside scientific evidence concerning the negative health impacts of the substance. See, Rebecca A. Ferrera, Amanda J. Dillard and William M.P. Klein, ‘Projection, Conformity and Deviance Regulation: A Prospective Study of Alcohol Use’, *Psychology and Health*, Vol. 27: 6, 2012, pp. 688–703; Robin Room, ‘Normative Perspectives on Alcohol Use and Problems’, *Journal of Drug Issues*, Vol. 5: 4, 1975, pp. 358-368.

<sup>36</sup> Pryce, p.604.

<sup>37</sup> Kane Race, ‘Recreational States: Drugs and the Sovereignty of Consumption’, *Culture Machine*, Vol 7, 2005 [online]. Available from: <<https://www.culturemachine.net/index.php/cm/article/view/28/35>> (accessed 14/11/17).

<sup>38</sup> Race, [online].

<sup>39</sup> The INCB identifies the substances under control as follows. “Schedule I includes substances that are highly addictive and liable to abuse, or are convertible into drugs that are similarly addictive and liable to abuse.

investigation in this thesis, these substances have become constructed as threatening, as will be discussed in Chapters Three, Four and Five. This is important because identifying something as a threat does something more than merely identifying the issue as causing fear or unease.<sup>40</sup>

The moral dimensions of drug use have become inherently connected to forms of drug control (see, Chapters Three, Four and Five) and drugs have often been the subject of 'moral panics'. According to Stanley Cohen, Eric Goode and Nachman Ben-Yehuda there are five key factors involved in producing a 'moral panic': a suitable enemy, one that has little power and is easy to denounce; a suitable victim, that is easy to identify with; a consensus that the issue threatens or at least, could pose a threat, to society and that 'something must be done';<sup>41</sup> disproportionality, whereby an impression is given that the threat is more widespread than it actually is; and, volatility - moral panics tend to be short-lived and often arise, seemingly out of nothing, and while they may have long-lasting impacts in terms of norms and practices, the hysteria tends not to last for long.<sup>42</sup> The media often plays a significant role in the transmission of 'moral panics', as will be seen in Chapter Five. The media facilitates this transmission in three ways: setting the agenda by selecting stories that reflect the problem; transmitting images, by highlighting or downplaying the claims of claim-makers; or breaking the silence by making the claim, whereby the media identify the threat themselves and then

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This includes cannabis and cannabis resin (and extracts and tinctures), narcotic raw materials (coca leaf, concentrate of poppy straw, opium), the stronger opiate analgesics (morphine, oxycodone), the drugs of the ecgonine-cocaine group and a large number of synthetic drugs (fentanyl and its analogues, methadone).

"Schedule II includes substances that are less addictive and liable to abuse than those in Schedule I, such as codeine and its derivatives.

"Schedule III includes preparations containing narcotic drugs that are intended for legitimate medical use and are compounded in such a way that the preparation is unlikely to be abused and that the base drug cannot be easily extracted.

"Schedule IV includes selected drugs listed in Schedule I that are considered particularly harmful in terms of their addictive properties and abuse potential. Substances in Schedule IV are supposed to be rarely used in medical practice and may be subject to special control measures by countries. All drugs in Schedule IV must also be included in Schedule I. Countries may also choose to prohibit drugs in Schedule IV, if it is deemed necessary." International Narcotics Control Board (INCB), *Training Material, 1961 Single Convention on Narcotic Drugs Part 1: The International Control System for Narcotic Drugs*, E/INCB/2005/NAR\_1, (New York: United Nations, 2005) pp. 5-6.

<sup>40</sup> Suzanne Hindmarch, *Securing Health: HIV and the limits of securitization*, (Abingdon: Routledge, 2016), p. 29.

<sup>41</sup> Stanley Cohen, *Folk devils and moral panics*, (Abingdon: Routledge, 2002), p. xii.

<sup>42</sup> Erich Goode and Nachman Ben-Yehuda, *Moral Panics: The Social Construction of Deviance*, (Oxford: Blackwell Publishers, 1994), pp. 36-41.



broadcast it.<sup>43</sup> Nigel South has summarised Nils Christie's exploration of the ways in which drugs and their users make 'suitable enemies' for society. He argues that there are five key characteristics that define suitable enemies: the problems will not threaten existing power structures and interest groups; they will be seen as "dangerous, often inhuman"; they must be seen as being so dangerous that extraordinary powers must be granted to defeat them; good enemies never die, and are often vaguely defined so that they can include or exclude a wide range of targets; the more 'evil' an issue, the better it can be used to unite or undermine other conflicts within society.<sup>44</sup> According to South, Christie then goes on to identify three key features that make drugs a useful enemy: there is no clear definition of what a 'drug' is so the enemy can evolve as necessary; 'drugs' become threatening when they are used by people so these people can be seen as threatening; 'drugs' are also grown by people and therefore they can also be seen as threatening.<sup>45</sup>

The questions surrounding which drugs should be prohibited are worthy of being explored within security studies because drugs are closely bound up with ideas of (national) identity and (national) security and thus have been securitized and re-securitized across nation states, regions and internationally. Further analysis will also be made of discourses surrounding 'drugs as a threat' to human and national security. Pryce argues that the identification of some drugs as needing to be prohibited can, in part, be explained by their 'otherness' because many 'new' drugs that were introduced into the West by immigrant communities were demonised through lack of understanding and fear.<sup>46</sup> The implicit prejudices associated with which drugs are acceptable and which are not can be seen in stereotypes of drug use by minority groups in industrialised nations. In the US, for example, certain drugs became vilified in relation to specific ethnic groups: the Chinese with opium smoking, African-Americans with cocaine and Mexicans with cannabis.<sup>47</sup> Indeed, the first anti-opium law in the US, the San Francisco Opium Ordinance of 1875, was aimed purely at restricting opium smoking by Chinese.<sup>48</sup> In Canada, Britain, the Netherlands and Australia, similar discourses arose that

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<sup>43</sup> Cohen, pp. xxviii-xxix.

<sup>44</sup> South, pp. 9-10.

<sup>45</sup> South, pp. 9-10.

<sup>46</sup> Pryce, p. 604.

<sup>47</sup> Campbell, p.205.

<sup>48</sup> James Windle, 'How the East Influenced Drug Prohibition', *The International History Review*, Vol. 35:5, 2013, p.1187; Craig Reinermann, 'The Social Construction of Drug Scares', in *Constructions of Deviance: Social Power, Context and Interaction*, ed. by Patricia A. Adler and Peter Adler, (Belmont, CA.: Wadsworth Publishing Co., 1994), p.157; David Musto, *The American Disease: Origins of Narcotic Control*, (New York: Oxford University Press, 1987), p. 6.

painted the Chinese opium smoker as a danger to society, and particularly as using opium in order to seduce young white women.<sup>49</sup> It is through this lens, of opium-smoking being foreign to Western society, that concern about the international trade in drugs was initially seen. As with opium use, by the beginning of the twentieth century, stories were circulating associating cocaine use with ethnic minorities. The prohibition of these substances, then, was underpinned by xenophobia and racism. Kyle Grayson has also explored these themes of 'othering' and drugs in relation to the formation and promulgation of national identities in Canada.<sup>50</sup> As well as ethnic minorities and immigrants, illicit drug use came to be associated with counter-culture movements<sup>51</sup> and the lower classes.<sup>52</sup> Those that used these drugs were identified as 'deviant'<sup>53</sup> and therefore threatening. Furthermore, non-medical and non-scientific drug use is also seen as producing experience of 'other' realities<sup>54</sup> which can lead the user to question and challenge the status quo, and is also often portrayed as threatening. Identifying 'drugs' and drug users/producers/dealers as the 'other' places them within "zones of danger and exclusion" and therefore, it is seen as rational to subject them to various responses, whether medical or criminal, to reintegrate them back into society.<sup>55</sup>

In the US the use of such drugs was portrayed as a threat to the American national identity and those who used/sold them were seen as the 'other'.<sup>56</sup> The idea that drugs were a threat to the American

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<sup>49</sup> Melissa Bull, *Governing the Heroin Trade: from treaties to treatment*, (Aldershot, Hampshire: Ashgate Publishing Ltd, 2008), pp.43-47; Musto, p.43; Virginia Berridge, *Opium and the People; Opiate Use and Drug Control Policy in Nineteenth and Early Twentieth Century England*, (London: Free Association Books, 1999), pp. 260-61; Marcel De Kort and Dirk J. Korf, 'The Development of Drug Trade and Drug Control in the Netherlands: a Historical Perspective', *Crime, Law and Social Change*, Vol. 17, 1992, p. 136.

<sup>50</sup> Grayson, *Chasing Dragons* pp. 56-94.

<sup>51</sup> Dan Baum, *Smoke and Mirrors: The War on Drugs and the Politics of Failure*, (Boston: Back Bay Books, 1997), p. 8; Gerry V. Stimson and Rachel Lart, 'The relationship between the state and local practice in the development of national policy on drugs between 1920 and 1990', in, *Heroin Addiction and the British System, Volume 1: Origins and Evolution*, ed. by John Strang and Michael Gossop, (Abingdon: Routledge, 2005), p. 178; Dirk J. Korf, Heleen Riper, Bruce Bullington, 'Windmills in Their Minds? Drug Policy and Drug Research in the Netherlands', *Journal of Drug Issues*, Vol. 29:3, 1999, p. 453.

<sup>52</sup> Reinarmann, p.158; John Strang and Michael Gossop, 'Misreported and Misunderstood: the 'British System' of Drug Policy', *Heroin Addiction and the British System, Volume 1: Origins and Evolution*, ed. by John Strang and Michael Gossop, (Abingdon: Routledge, 2005), p. 3.

<sup>53</sup> Cohen, pp. 4-5.

<sup>54</sup> South, p. 4.

<sup>55</sup> South, p. 9-10.

<sup>56</sup> Musto, p. 248.

way of life had been prevalent since the late nineteenth century but was increasingly popularised by 'moral and political entrepreneurs' such as military hero Captain Richmond Hobson and US Federal Bureau of Narcotics (FBN) chief Harry Anslinger in the early twentieth century.<sup>57</sup> This discourse was revived by US President Richard Nixon when he coined the phrase 'war on drugs' and publicly labelled drug addiction as "public enemy number one".<sup>58</sup> This announcement followed the beginning of what Nixon perceived to be the 'GI heroin epidemic', which led to

the Nixon administration and other US officials attempt[ing] to promote an antidrug American identity by identifying GI heroin users in Vietnam, domestic addicts, and foreign traffickers in Southeast Asia as sources of danger that threatened not only to spread crime and societal decay within the U.S. but also threaten the contingent national identity.<sup>59</sup>

Epstein argues that Nixon also used the 'heroin epidemic' of soldiers returning from Vietnam as a way of expanding his control over, and creating a more unified structure for, the multitude of law enforcement agencies in the US,<sup>60</sup> though the federal government still spent the bulk of their budget on treatment and education. However, Ronald Reagan's 'war on drugs' led to a greater focus on drugs as a threat to national security - rather than societal security - and it was the success of this discourse that paved the way for the National Security Decision Directive 221 (NSDD-221) which linked drug production and trafficking to terrorism, insurgencies and corruption, thereby reinforcing their status as a threat to the state. This argument was articulated at an international level two years later through the 1988 UN Convention Against Illicit Traffic of Narcotic Drugs and Psychotropic Substances.<sup>61</sup> There are a whole range of actors that gained money and power by pushing the 'drugs

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<sup>57</sup> Bewley-Taylor, *The United States and International Drug Control*, p. 41; Edward Jay Epstein, *Agency of Fear: Opiates and Political Power in America*, (London: Verso, 1990), pp. 23-34; Nadelmann, p. 504.

<sup>58</sup> In 1971 in a special message to the US Congress, President Nixon announced that "America's Public Enemy No. 1 is drug abuse". See, Richard Nixon, 'Remarks About an Intensified Program for Drug Abuse Prevention and Control', 17th June 1971, *The American Presidency Project*, Gerhard Peters and John T. Woolley [online]. Available from: <<http://www.presidency.ucsb.edu/ws/?pid=3047>> (accessed 25/03/13).

<sup>59</sup> Daniel Weimer, 'Drugs-as-a-Disease: Heroin, Metaphors, and Identity in Nixon's Drug War', *Janus Head*, Vol. 6: 2, 2003, p. 261.

<sup>60</sup> Epstein, pp. 32-33.

<sup>61</sup> The 1988 UN Convention says, "*Recognizing* the links between illicit traffic and other related organized criminal activities which undermine the legitimate economies and threaten the stability, security and sovereignty of States, *Recognizing also* that illicit traffic is an international criminal activity, the suppression of which demands urgent attention and the highest priority, *Aware* that illicit traffic generates large financial

as a threat to national security' discourse, including but not limited to, law enforcement officials, CIA, FBI, DEA, the US military, politicians. Furthermore, in more recent years, by utilising the 'narco-terror' threat (see Chapter Five) in order to establish Forward Operating Locations, largely but not exclusively in Latin America, the US has gained a foothold in these nation states under the guise of the 'war on drugs'. The bases have been used to boost US operational capacity and there is evidence they were used to monitor arms trafficking and promote other foreign policy aims.<sup>62</sup>

#### 4. Thesis structure

As discussed earlier in this chapter, the first research question interrogates how drugs have been constructed as an existential threat at the international level and how this has construction changed over time. The aim is to improve upon current scholarship on the securitization of drugs, show how the drug control *dispositif* has, at times, included a wide array of options for controlling drugs, and show that the securitization(s) under analysis in this thesis have limited this range of options so that prohibition has come to be seen as the most appropriate way of addressing the drug problem, whilst at the same time exacerbating the harms caused by illicit drugs (see Chapter Six). The second research question compares the utility of different variants of securitization theory, notably the 'sociological' variant and the original Copenhagen School framework, when applied to empirical examples of threat-construction. The aim is here to contribute to the development of securitization studies and provide an example of how the 'sociological' interpretation of securitization theory, in conjunction with deployment of the concept of the *dispositif*, can be used to explain the processes through which an issue becomes constructed as a security threat.

Chapter One has introduced some of the key ideas within the thesis and laid out the overarching hypothesis. Chapter Two establishes the theoretical and methodological frameworks and argues that combining the concept of *dispositif* with a sociological variant of securitization theory is useful in highlighting how the securitization(s) of drugs sits within a continuum of control-oriented practices and discourses that have evolved over time and space. The chapter also outlines how discourse

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profits and wealth enabling transnational criminal organizations to penetrate, contaminate and corrupt the structures of government, legitimate commercial and financial business, and society at all its levels". United Nations, *1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, (New York: United Nations, 1990), p. 1.

<sup>62</sup> Transnational Institute (TNI), *Forward Operating Locations in Latin America: Transcending Drug Control*, No. 2003/6 (TNI: Amsterdam, 2003), p. 3.

analysis and process-tracing by using archival documents and media sources are used to examine the relationship between the drug control *dispositif* and the securitization(s) of drugs.

Chapter Three examines the historical development of the drug control *dispositif* that evolved within industrialising nations in the mid-nineteenth century and became internationalised through the League of Nations in the early twentieth century, as well as exploring how the ‘drugs as a threat’ discourse was initially articulated at the international level. This chapter shows that whilst there was some consensus that the ‘drug problem’ needed to be dealt with at the international level, there was no agreement about what forms of use constituted ‘legitimate use’ and whether a ‘drug-free world’ was a necessary goal. This chapter argues that during this period a wide range of options for controlling drugs - regulation, prescriptions, licensing and prohibition - were in operation.

Chapter Four provides in-depth analysis of how the 1961 UN Single Convention constructed drug addiction as threatening to humankind by stating that it was “a serious evil”<sup>63</sup> and argues that due to its acceptance by the overwhelming majority of states this came to be seen as the predominant way of perceiving the ‘drug problem’. The convention created the conditions of possibility for the international prohibition of drugs for non-medical/non-scientific purposes by demanding that signatory states limit drug production, manufacture, supply and use solely to medical and scientific purposes. The 1972 Protocol Amending the Single Convention explicitly expanded the threat beyond that of addiction to ‘drug abuse’, meaning all illicit drug use. The convention reconstituted the drug control *dispositif* as a prohibitionist system where states that enacted practices that did not concur with this system of control were criticised; it was based on the premise of a ‘drug-free world’.

Chapter Five then argues that NSDD-221 identified drug trafficking as a threat to “the national security of the United States” by undermining “the integrity of democratic nations”<sup>64</sup> and outlined how the US military and intelligence services should participate in drug law enforcement overseas. This discursive construction of the illicit drug trade as threatening to national security, along with various US law enforcement practices, was then incorporated into the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. During this period the drug control *dispositif* was reoriented once again with a focus on a new referent object – the state – threatened by illicit drug trafficking. The accompanying speech acts made by the Reagan administration, the US First Lady, the

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<sup>63</sup> United Nations, *The Single Convention*, p. 11.

<sup>64</sup> The White House, *National Security Decision Directive-221, Narcotics and National Security*, (Washington D.C.: The White House, 8<sup>th</sup> April 1986) [online]. Available from: <<https://fas.org/irp/offdocs/nsdd/nsdd-221.pdf>> (accessed 03/06/12), p. 2.

media and Congress, also identified drug use as a threat to American society and the 'family' and argued that the most effective solution to this was to 'Just Say No'. Internationally, the Reagan era securitization of drugs established the 'certification' policy that gave US presidents the power to punish states that they believed were not abiding by the UN conventions; this effectively established the US as the 'global enforcer' of the drug conventions.

Chapter Six examines how various developments in discourse and practice are challenging the 'drugs as a threat' discourse and its associated desire for a 'drug-free world'. The chapter also shows that in some cases these policies can be seen as examples of desecuritizations and counter-securitizations, but that they still sit firmly within the drug control *dispositif*.

Chapter Seven concludes the thesis, arguing that the drug control *dispositif* has continued to evolve through time and space but that, at the present time, the 'drugs as a threat' discourse remains prevalent and prohibition is still seen as the primary mode of control across the world.

## Chapter Two.

### Securitization as a political process: theory and method

#### **1. Introduction**

The purpose of this chapter is to establish the theoretical and methodological frameworks that underpin the analysis throughout this thesis and explain how they contribute to answering the research question. It is the contention of this thesis that during the late nineteenth and early twentieth centuries, a *dispositif* evolved around the need for drugs to be controlled and a wide range of options were available for governments to do this. As the twentieth century progressed, different actors have at different points attempted to securitize the 'drug problem' both nationally and internationally, framing 'drugs' as an existential threat and these securitizations have affected the drug control *dispositif*. As has been explored in more detail in the Introduction (Chapter One) to this thesis, 'drugs' have, over time, come to be seen as substances that need to be controlled in order to facilitate their beneficial uses (medical and scientific) and also limit their negative effects (dependency and overdose). In establishing this dichotomy whereby 'drugs' have both beneficial and negative effects, the threat shifts from the substances themselves to various forms of use and types of users. A case can be made that at certain points in time an international consensus has existed and that this securitized perspective has become the dominant paradigm that underpins the international drug control system. However, the ways and contexts in which these securitizing moves have taken place, the degree of agreement they have generated, and the effects they have had vary greatly over time. The overall acceptance of this discourse has had significant national and international policy ramifications, not least because it has limited the range of policy options available. Nevertheless, the global securitization of drugs has been, and continues to be, widely variegated both historically and geographically.

In terms of developing and contributing to securitization theory, this research focusses on the processes of securitization, emphasising the role of actors and audiences as parts of the agent of the securitizing moves, as well as the importance of context and practices in creating the conditions for 'successful' securitizations. In order to do this, this thesis, firstly, analyses the historical evolution of the drug control *dispositif*. It then analyses two case studies of securitizations of drugs that have had profound effects on the drug control *dispositif*. Finally, this thesis examines the ways in which the 'drugs as a threat' discourse(s) is being challenged. The two case studies analysed here are the evolution of the 1961 United Nations Single Convention on Narcotic Drugs and the protocol that amended it (hereafter referred to as the 1972 Amending Protocol) and US President Reagan's moves to internationalise and militarise US drug law enforcement through National Security Decision

Directive 221 (NSDD-221). These two securitizations, it will be argued, operate within the drug control *dispositif*, which will be established and examined in more detail later on in this chapter and in Chapter Three.

This chapter will initially explore what the purpose of securitization theory is and how it is distinctive; it will then investigate the relationship between securitizations and the *dispositif*, arguing that securitizations are a combination of contextually situated speech acts and practices that exist within the *dispositif*. The chapter will then scrutinise the discourses and practices that contribute to the sedimentation of the securitization(s). This will include analysis of the function and importance of the 'speech act', as well as its constituent elements: the referent object, the existential threat, the extraordinary measures; before moving on to discuss the discursive and rhetorical strategies used by the agents of securitization. It will then explore the contribution of practices to the securitizing move. Next it will evaluate the roles of the 'actor' and 'audience' as agents of securitization. The chapter will then consider the importance of the context in which the securitizing moves are made, arguing that this is crucial to understanding the processes through which an issue becomes securitized. It will then explore whether it is important to identify when a 'successful' securitization occurs, before moving on to discuss responses to the securitizations including desecuritizations, counter-securitizations, silence and resistance. Finally, this chapter will outline the methodology used in this thesis.

## **2. What is distinctive about securitization theory?**

The securitization framework evolved during the post-Cold War period and involved the synthesis of Barry Buzan's regional security complex theory and Olé Wæver's multi-sectoral security and securitization analysis.<sup>65</sup> Buzan, Wæver and de Wilde, known collectively as the Copenhagen School (CS),<sup>66</sup> argue that "security is a particular type of politics applicable to a wide range of issues. And it offers a constructivist operational method for distinguishing the process of securitization from that of politicization – for understanding who can securitize what and under what conditions."<sup>67</sup> Buzan et al. claim that by making something a security issue, it becomes framed as a "special kind of politics or as

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<sup>65</sup> Barry Buzan, Olé Wæver and Jaap de Wilde, *Security: A New Framework for Analysis*, (Boulder, CO.: Lynne Rienner, 1998), p. vii.

<sup>66</sup> Bill McSweeney coined the term 'Copenhagen School' in reference to Buzan, Wæver and other societal security analysts. See, Bill McSweeney, 'Review: Identity and Security: Buzan and the Copenhagen School', *Review of International Studies*, Vol. 27, 1996, pp. 81-93.

<sup>67</sup> Buzan et al., p. vii.



above politics”.<sup>68</sup> They argue that ‘security’ cannot be defined as an analytical or philosophical concept, rather it is defined by the way in which it is used, and is thus a “self-referential practice” whereby something becomes a security issue not because it is a self-evidently ‘real’ existential threat but because it is presented as such.<sup>69</sup> For the CS then, ‘security’ is the presentation of an issue as an existential threat.<sup>70</sup> The CS argue that there is a specific grammatical process in play when a securitization occurs: a securitizing actor identifies an ‘existential threat’ in relation to a ‘referent object’ and ‘extraordinary measures’ are articulated in order to counteract that threat.<sup>71</sup> Thus ‘security’ is conceived of as a ‘speech act’ and they note that “[the] invocation of security has been key to legitimizing the use of force, or to take special powers, to handle existential threats.”<sup>72</sup>

The CS defines three types of units of analysis that are relevant to security analysis. The first are the referent objects which are “things that are seen to be existentially threatened”.<sup>73</sup> The second unit of analysis for the CS is the securitizing actor; this refers to a person or group of persons that identifies the referent object as being existentially threatened and therefore performs the security speech act.<sup>74</sup> The third unit of analysis is the functional actor who impacts upon the dynamics of the sector but is neither the securitizing actor nor part of the referent object.<sup>75</sup> Buzan et al. provide a few examples of functional actors: a polluting company that could play a central role in the environmental sector but not be involved in trying to securitize specific environmental issues,<sup>76</sup> and in the military sector an arms manufacturer could be considered as a functional actor.<sup>77</sup> O’Reilly suggests that the media could play the role of functional actor,<sup>78</sup> however this thesis argues in Chapter Five that the media functions as part of both ‘actor’ and ‘audience’. Within the securitization(s) of drugs, it could be argued instead

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<sup>68</sup> Buzan et al., p. 23.

<sup>69</sup> Buzan et al., p. 24.

<sup>70</sup> Buzan et al., p. 24.

<sup>71</sup> Buzan et al., p. 21.

<sup>72</sup> Buzan et al., p. 21.

<sup>73</sup> Buzan et al., pp. 36-40.

<sup>74</sup> Buzan et al., pp. 40-42.

<sup>75</sup> Buzan et al., p. 36.

<sup>76</sup> Buzan et al., p. 36.

<sup>77</sup> Buzan et al., pp. 56-57.

<sup>78</sup> Ciaran O’Reilly, ‘Primetime Patriotism: News Media and the Securitization of Iraq’, *Journal of Politics and Law*, Vol 1: 3, 2008, p. 66.

that pharmaceutical companies, non-governmental organisations (NGOs) and drug trafficking organisations (DTOs) play the role of functional actor.

The CS argue that the securitization framework can help the analyst “understand the processes of constructing a shared understanding of what is to be considered and collectively responded to as a threat”.<sup>79</sup> The securitization framework allows the security analyst to trace when there is a case of securitization, who the actors were and how the securitization came about.<sup>80</sup> Buzan et al. argue that the framework allows the analyst to classify what is and what is not a security issue, how such issues become securitized and to locate the various security dynamics on levels ranging from local to regional and global.<sup>81</sup> The CS, and Wæver in particular, see ‘security’ as a negative outcome that undermines openness and democratic politics, and they argue that the aim should always be for desecuritization.<sup>82</sup>

As is discussed in more detail below, so-called ‘second generation’<sup>83</sup> securitization scholars have interrogated the CS framework and proposed innovations to it that broaden the scope of analysis far beyond that which was originally conceptualised. However, while there are many variations, there remain some distinct elements to ‘securitization theory’. Securitization studies explore how the concept of ‘security’ has been broadened beyond the traditional conceptualisation of military threats.<sup>84</sup> All securitization scholars agree that threats are intersubjectively constructed rather than being objective facts and that this threat construction is agreed between ‘actors’ and ‘audiences’. They also tend to concur that the field of ‘security’ is paramount and that securitized issues will tend to take precedence over non-securitized issues.<sup>85</sup>

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<sup>79</sup> Buzan et al., p. 26.

<sup>80</sup> Buzan et al., p. 27.

<sup>81</sup> Buzan et al., p. 1.

<sup>82</sup> Buzan et al., p. 29; Olé Wæver, ‘Securitization and Desecuritization’ in *On Security*, ed. by Ronnie Lipschutz, (New York: Columbia University Press, 1995), p. 57.

<sup>83</sup> Holger Stritzel, ‘Towards a Theory of Securitization: Copenhagen and Beyond’, *European Journal of International Relations*, Vol. 13: 3, 2007, p. 11.

<sup>84</sup> Columba Peoples and Nick Vaughan-Williams, *Critical Security Studies: An introduction*, (Abingdon: Routledge, 2010), p. 86.

<sup>85</sup> Hindmarch, p. 26.

### 3. Securitizations as combination of contextually situated speech acts and practices within the drug control *dispositif*

This thesis argues that a securitizing move is a constellation of speech acts and practices that are embedded in discourses but that also shape them. These speech acts and practices are performed through the interactions between actor(s) and audience(s) that have the social and political capital to carry out and accept such moves. The securitizing move can reinforce or shape the actors and audiences as it progresses. The grammar of security (claim, warning, result) is important but it is not everything. For the securitizing move to be accepted, factors external to the speech act – context, power, legitimacy – are needed to reinforce the discursive aspects. This perspective is influenced by the ‘sociological’ view of securitization as expounded by Thierry Balzacq but will also incorporate elements of other ‘second generation’ scholars’ works, including Stritzel, Salter and Christou et al.<sup>86</sup> This ‘sociological’ perspective allows for an exploration of the processes of securitization beyond merely the speech act *event* into the social and historical context in which the speech act(s) are made and the practices that contribute to their enunciation. This interpretation helps explain the processes through which drugs became securitized within the drug control *dispositif* in a more comprehensive way than a ‘philosophical’ view could do as will be discussed in more detail below.

Balzacq identifies three core assumptions of securitization theory: the centrality of the audience, the co-dependency of agency and context, and importance of the *dispositif*. He advocates analysing the congruence of these three factors as this can help the analyst identify the importance of one or other of them within a “network of causality”.<sup>87</sup> He argues that Buzan et al.’s three units of analysis (the referent object, actor and functional actor) ignore the crucial role not only of audience, but also of context; therefore, he proposes analysing three ‘levels’ of analysis instead.<sup>88</sup> ‘Level one’ – the agent – relates to actors and structures that impact on the securitizing move, and it has four facets: those who support or restrict the designation of ‘security’, which can include securitizing actors, audiences and functional actors; the power relations of the agent(s); personalities and social identities that can legitimise or limit the behaviour of the agent(s); and, the referent object and the threat, in other words, who is threatened by whom. ‘Level two’ – the act – involves practices, whether discursive or

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<sup>86</sup> George Christou, Stuart Croft, Michela Ceccorulli & Sonia Lucarelli, ‘European Union security governance: putting the ‘security’ back in’, *European Security*, Vol. 19: 3, 2010.

<sup>87</sup> Thierry Balzacq, ‘Enquiries into Methods; A New Framework for Securitization Analysis’, in *Securitization Theory: How Security Problems Emerge and Dissolve*, ed. by Thierry Balzacq, (Abingdon: Routledge, 2011), p. 35.

<sup>88</sup> Balzacq, ‘Enquiries into Methods’, p. 35.

not, that facilitate the securitizing moves. This level also has four aspects: the language or grammar used to perform the securitizing move, which he identifies as ‘action-type’; the rhetorical strategies or ‘heuristic artefacts’, such as analogies or metaphors, which are used to create the environment for a securitization, as well as which ‘frames’ are used; the *dispositif* which includes a collection of practices and tools to lay the groundwork for a successful securitization; and the policies created by the securitization. ‘Level three’ – the context – allows the analyst to situate the discourses both socially and historically within the relevant contexts.<sup>89</sup> Balzacq’s ‘levels’ of analysis thus seek to develop a more holistic view of the securitization process by emphasising the role of the audience, context and practices.

A number of scholars have drawn on Foucault’s concept of the *dispositif* as part of the securitization process.<sup>90</sup> The *dispositif* is useful to securitization scholars – particularly those who emphasise a more ‘sociological’ version of securitization theory – because it brings to light the connections between the wide range of practices and discourses, agents and contexts, that play a part in producing a successful securitization. The *dispositif* is a constellation of elements, both discursive and non-discursive, that develops in response to “an urgent need”,<sup>91</sup> it is inherently unstable and constantly changing, and as a result it can produce unintended consequences.<sup>92</sup> It has been argued that the *dispositif* can be seen as “the operator of archaeological research, conducted from a genealogical perspective.”<sup>93</sup> Identification of the *dispositif* helps one to analyse “the strategically oriented overall coherence” of an issue because the *dispositif* “allows for the construction of a particular issue ... into a (problematic) given ... and legitimates the development of procedures that the very orientation of the *dispositif* turns

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<sup>89</sup> Balzacq, ‘Enquiries into Methods’, pp. 35-36.

<sup>90</sup> Thierry Balzacq, Sarah Léonard, Jan Ruzicka, ‘Securitization’ revisited: Theory and cases’, *International Relations*, Vol. 30: 4, 2015, pp. 11-14; Balzacq, ‘A Theory of Securitization’, pp. 15-18; Didier Bigo, ‘Security and Immigration: Toward a Critique of the Governmentality of Unease’, *Alternatives: Global, Local, Political*, Special Issue, Vol. 27, 2002, p. 84; Didier Bigo, ‘Globalised (in)Security: the Field and the Ban-opticon’, in *Terror, Insecurity and Liberty: Illiberal Practices of Liberal Regimes after 9/11*, ed. by Didier Bigo and Anastassia Tsoukala, (Abingdon: Routledge, 2008), p. 28; Herschinger, ‘The Drug *Dispositif*’, pp. 183–201.

<sup>91</sup> Foucault, *Power/Knowledge*, p. 195.

<sup>92</sup> Claudia Aradau, Martin Coward, Eva Herschinger, Owen D. Thomas and Nadine Voelkner, ‘Discourse/materiality’, in *Critical Security Methods: New frameworks for analysis*, ed. by Claudia Aradau, Jeff Huysmans, Andrew Neal and Nadine Voelkner, (Abingdon: Routledge, 2015), pp. 64-65.

<sup>93</sup> Philippe Bonditti, ‘Act Different, Think *Dispositif*’, in *Research Methods in Critical Security Studies*, ed. by Mark B. Salter, Can E. Mutlu, (Abingdon: Routledge, 2013), p. 101.

into appropriate ones.”<sup>94</sup> Using the *dispositif* pushes the analyst to think beyond “causal or linear” explanations whereby problems existed before their solutions came into being or were caused by them, instead it contributes to the analysis of how the orientation of the *dispositif* itself creates convergence between problems and solutions which reinforce each other and the “strategic orientation of the *dispositif*”.<sup>95</sup>

Balzacq argues that securitization processes exist within practices as well as at the discursive level<sup>96</sup> and that securitization “consists of practices which instantiate intersubjective understandings and which are framed by tools and the habitus inherited from different social fields. The *dispositif* connects different practices.”<sup>97</sup> He suggests that identifying such practices and instruments of security can contribute to analysis of the threat, but it can also elucidate preferred policies that the actor proposes to deal with the threat.<sup>98</sup> Bigo similarly argues that analysis of the *dispositif* can illuminate the discursive and non-discursive practices involved in the process of securitization and that such processes can highlight the forms of knowledge and power relations that underpin them.<sup>99</sup> He argues that networks of “managers of unease” ranging from policemen to border guards and from intelligence agents to military officers contribute to the *dispositif* through the sharing of knowledge and practices.<sup>100</sup> Using the *dispositif* allows the analyst to trace the network that connects the texts and practices together in order to explore how these various components interact with each other and to see what effects the *dispositif* itself has on these components.<sup>101</sup>

Whilst the *dispositif* is unstable and constantly evolving, it is also a “self-sustaining strategy of power”<sup>102</sup> that has a “dominant strategic function”,<sup>103</sup> which, this thesis argues, in the case of drugs is the control of these substances. The Single Convention and NSDD-221 are securitizing moves that exist within this *dispositif* of controlling drugs. The Single Convention was concerned with tightening up the licit market in order to restrict drug production, trade and use to medical and scientific

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<sup>94</sup> Bonditti, p. 103.

<sup>95</sup> Bonditti, p. 103.

<sup>96</sup> Balzacq, ‘A Theory of Securitization’, p. 15.

<sup>97</sup> Balzacq, ‘A Theory of Securitization’, p. 15.

<sup>98</sup> Balzacq, ‘A Theory of Securitization’, p. 16.

<sup>99</sup> Bigo, ‘Security and Immigration’, p. 84.

<sup>100</sup> Bigo, ‘Globalised (in)Security’, p. 6.

<sup>101</sup> Bonditti, p. 103.

<sup>102</sup> Aradau et al. p.65.

<sup>103</sup> Foucault, *Power/Knowledge*, p. 195.

purposes only. NSDD-221 and the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances that followed shortly after in 1988 were attempts to reconstitute the elements of the drug control *dispositif* to address the perceived threats posed by the illicit trade in drugs. This growing trade was an unintended consequence of the prohibition of non-medical/non-scientific use of drugs that had been established by the Single Convention.

In her work on the ambivalent nature of ‘drugs’ and the development of the ‘global drug prohibition regime’ (GDPR), Eva Herschinger argues that

... the particular constellation of discourses, institutions, practices, and beliefs created by the *dispositif* produces conditions of possibility in a field like drugs and, thereby, creates the capacity for governance. The drug *dispositif* renders specific spaces governable on the basis of specific norms, primarily the differentiation between illicit and licit drug use.<sup>104</sup>

She argues that the GDPR is the cornerstone of the drug *dispositif* and that it has produced a certain type of knowledge and practices which identify drugs as a security threat.<sup>105</sup> This development, she notes, is indicative of what Foucault described in relation to the *dispositifs* of security: throughout the development of the system of drug control the pre-eminent way of perceiving drugs was that they were dangerous and therefore needed to be controlled.<sup>106</sup> Building upon Herschinger’s analysis, this thesis develops the argument that through a heterogeneous range of historical, political and scientific experiences, the previously lenient and flexible drug control *dispositif* evolved to the point that the securitization of drugs, exemplified by the prohibition paradigm, became overwhelmingly predominantly accepted.

As the *dispositif* evolves, various aspects become amplified and others fade into the background, creating new forms of ‘governmentality’,<sup>107</sup> for example, the merging of the internal (police) and

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<sup>104</sup> Herschinger, ‘The Drug *Dispositif*’, p. 187.

<sup>105</sup> Herschinger, ‘The Drug *Dispositif*’, p. 187.

<sup>106</sup> Herschinger, ‘The Drug *Dispositif*’, p. 188.

<sup>107</sup> Foucault described governmentality as being “the ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security”. See, Michel Foucault, ‘Governmentality’, in *The Foucault Effect: Studies in Governmentality: With Two Lectures by and an Interview with Michel Foucault*, ed. by Graham Burchell, Colin Gordon and Peter Miller, (Chicago: University of Chicago Press, 1991), pp. 102-103.

external (military) security practices.<sup>108</sup> This amalgamation of internal and external security practices can clearly be seen in the securitization of drugs when US President Reagan amended the Posse Comitatus Act to allow for the US military to participate in law enforcement, which then led the US to take an increasingly militarised approach to enforcing international drug control outside US borders. These practices were then actively exported to countries in Latin America such as Colombia (Plan Colombia) and Mexico (the Merida Initiative), with devastating consequences.<sup>109</sup>

Both the securitizing moves analysed in this thesis are crucial to understanding how drug control is interpreted even today. The international drug control system that is laid out in the three UN conventions on drugs<sup>110</sup> is an essential part of the drug control *dispositif*<sup>111</sup> that encompasses diverse practices ranging from pharmaceutical regulations, medical practices and trade policies to criminal law, law enforcement practices, military and intelligence activities and territorial expansion programmes combined with discursive strategies that continually reinforce the idea that drugs are a threat. As will be shown in Chapter Three, the drug control *dispositif* began to coalesce around the late nineteenth and early twentieth centuries as industrialising states became concerned about the negative impacts of the uncontrolled trade in opiates and other psychoactive substances. Growing concern about drugs led first to domestic controls on the sales of these substances and then to a series of international agreements to control the trade in drugs. The two securitizations analysed here reflect shifts in the drug control *dispositif*: the Single Convention (Chapter Four) marks the period during which the vast majority of UN member states agreed to limit the production, trade and use of certain substances to medical and scientific purposes only, effectively prohibiting the non-medical, or recreational, use of drugs; NSDD-221 (Chapter Five) transformed the ways in which the internation

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<sup>108</sup> Bigo, 'Globalised (in)Security', pp. 10-48; George Christou et al., p. 347.

<sup>109</sup> Colombia had, until recently, some of the highest levels of Internally Displaced Persons (IDPs) of any country in the world. See, Elizabeth Ferris, *Changing Times: The International Response to Internal Displacement in Colombia*, Brookings-London School of Economics (LSE) Project in Internal Displacement, (Washington D.C.: Brookings Institute, December 2014), p. 4. In Mexico, the government launched a 'war on drugs' in 2006 which has increased violence hugely, it has been estimated that 200,000 people have been killed, 28,000 have disappeared and 8,000 people have been tortured in the period from 2007 to 2016. See, Global Security.org, 'The Mexican Drug War', *Global Security.org* [online], 15<sup>th</sup> December 2016. Available from: <<http://www.globalsecurity.org/military/world/war/mexican-drug-war.htm>> (accessed 07/06/17).

<sup>110</sup> The 1961 UN Single Convention on Narcotic Drugs, the UN Convention on Psychotropic Substances of 1971 and the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

<sup>111</sup> Herschinger, 'The Drug *Dispositif*', p. 187.

al drug trade was dealt with by the US, proposing a militarised solution to drug law enforcement outside US borders. Chapter Six analyses how challenges to the securitized orientation of the drug control *dispositif* are evolving through practices aimed at mitigating some of the negative outcomes of the prohibition of non-medical use of drugs.

#### **4. The relevance of a 'sociological' approach to the securitization of drugs**

The two securitization processes analysed in this thesis are very different. One of the key ways that they differ is that the first securitization – the Single Convention – operated at the international level and was carried out ostensibly by a multilateral body, although some states played a greater role than others. The second securitization – US President Reagan's National Security Decision Directive 221 – operated at the national level and was carried out under one president over two terms. The Copenhagen School approach could be employed to analyse the securitization of drugs by the Reagan administration which was carried out over a comparatively short period of time by a limited range of actors and in which the discursive aspects were particularly evident. In contrast, it is less useful when examining the international securitization of drugs by the UN which had multiple actors and audiences, was carried out over a considerably longer period of time and in which practices played a far greater role. For this reason, this thesis uses a 'sociological' interpretation of securitization theory, influenced largely by Thierry Balzacq's work.

Buzan et al. recognise that securitizing an issue at the international level is challenging because they argue that it is very difficult to create a global referent object.<sup>112</sup> This thesis argues that not only is it difficult to securitize an issue solely through discourse at the international system level, but it is also difficult to analyse an international securitization process using the Copenhagen School framework. There are three key facets of the securitization processes that appear relevant in my two case studies that are not fully accounted for within the CS framework: the intersubjective relationship between actor and audience; the role of context in creating the conditions for a successful securitization; and the role of practices in establishing the securitization. Also, because the CS concern themselves with 'emergency' or 'extraordinary' measures, they exaggerate the difference between 'emergency' and 'normal' politics and therefore fail to account for the everyday practices that contribute to an issue being accepted as a security threat.<sup>113</sup> These practices, whether law enforcement, border control or pharmaceutical and medical practices, are all relevant facets of the securitization processes that can

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<sup>112</sup> Buzan et al., p. 36.

<sup>113</sup> Bigo, 'Globalised (in)Security', p. 27; Jef Huysmans, 'What's in an Act? On Security Speech Acts and Little Security Nothings', *Security Dialogue*, Vol. 42: 4-5, 2011, pp. 371–383.



be identified in my case studies. Furthermore, whereas the CS framework lends itself to a concern with 'moments' of success,<sup>114</sup> my research suggests that a successful securitization evolves over time through a multitude of interconnected speech acts and practices that are contextually situated as well as intersubjectively agreed. The 'sociological' perspective, therefore, captures the various aspects of the securitization of drugs at the international system level more comprehensively than the CS framework because it allows for a more thorough examination of the relationship between actor(s) and audience(s), the practices that accompany the speech acts, and the context in which they occur. In the case study chapters (Four and Five) within this thesis, I will initially examine the speech acts from a CS perspective before following a 'sociological' perspective by analysing the practices that contribute to the securitization(s), the relationship between the 'actors' and 'audiences' as part of the agent of the securitizing moves and the context in which these moves are made in order to deconstruct the processes through which drugs became securitized.

Other analysts who have also looked at attempted securitizations at the international level, such as securitization of the environment,<sup>115</sup> HIV/AIDS<sup>116</sup> and drugs,<sup>117</sup> have also tended towards using a more expansive conceptualisation of the framework than the CS allows for. Some have adapted the CS framework, arguing that securitization should be seen as a continuum rather than a binary situation whereby different audiences can perceive of the issue as being situated at different points along the continuum at the same time,<sup>118</sup> or that in some cases an issue may be securitized in order to highlight an issue rather than in order to carry out 'emergency' measures.<sup>119</sup> Other scholars have used various

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<sup>114</sup> McDonald, 'Securitization and the Construction of Security', *European Journal of International Relations*, Vol.14: 4, 2008, p. 572.

<sup>115</sup> Maria Julia Trombetta, 'Environmental Security and Climate Change: Analysing the Discourse', *Cambridge Review of International Affairs*, Vol. 21: 4, 2008, pp. 585-602.

<sup>116</sup> Stefan Elbe, 'The Futility of Protest?: Bio-Power and Bio-Politics in the Securitization of AIDS', paper presented at the *annual meeting of the International Studies Association*, Montreal, 17th March 2004 [online]. Available from: [http://citation.allacademic.com/meta/p\\_mla\\_apa\\_research\\_citation/0/7/4/5/1/p74515\\_index.html](http://citation.allacademic.com/meta/p_mla_apa_research_citation/0/7/4/5/1/p74515_index.html) (accessed 10/03/11); Stefan Elbe, 'Should HIV/AIDS Be Securitized? The Ethical Dilemmas of Linking HIV/AIDS and Security', *International Studies Quarterly*, Vol. 50, 2006, pp. 119-144; Colin McInnes and Simon Rushton, 'HIV/AIDS and securitization theory', *European Journal of International Relations*, Vol. 0:0, 2011; Hindmarch, pp. 24-31.

<sup>117</sup> Herschinger, *Constructing Global Enemies*, pp. 61-98; Herschinger, 'The Drug Dispositif', pp. 183-201.

<sup>118</sup> McInnes and Rushton, pp. 1-24.

<sup>119</sup> Trombetta, p. 589.

Foucauldian approaches to analyse the securitization of non-traditional security issues such as drugs or HIV/AIDS, for example by looking at the securitization of HIV as international biopolitics<sup>120</sup> or through a focus on the *dispositif*.<sup>121</sup> The role of hegemonic orders as part of the securitization process<sup>122</sup> and the normative choices that are taken when deciding to securitize an issue such as HIV/AIDS<sup>123</sup> have also been highlighted. It has also been suggested that by using a policy process model, one can resolve some of the tensions between the CS framework and the 'second generation' securitization theorists' formulations, which allows for the CS and sociological variants to be seen as a two-stage process rather than as the two distinct forms of securitization.<sup>124</sup>

As well as considering other empirical explorations of international securitizations, it is worth examining the work of analysts who have considered the securitization of drugs at either the national, regional or international level. In analysing such securitizing moves, they have placed considerable focus on the range of practices that have been outcomes of, or contributed to, the securitization of drugs. These practices include domestic enforcement policies such as border controls, criminalisation and law enforcement training (Grayson,<sup>125</sup> Bloss,<sup>126</sup> Jackson,<sup>127</sup> Buzan and Wæver,<sup>128</sup> Dorn<sup>129</sup>), foreign and military policies (Jackson,<sup>130</sup> Hesselroth,<sup>131</sup> Franke,<sup>132</sup> Bloss,<sup>133</sup> Herschinger,<sup>134</sup> Fukumi,<sup>135</sup> Buzan

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<sup>120</sup> Elbe, 'The Futility of Protest?', pp. 1-33.

<sup>121</sup> Herschinger, 'The Drug *Dispositif*', pp. 183-201.

<sup>122</sup> Herschinger, *Constructing Global Enemies*, pp. 61-98.

<sup>123</sup> Elbe, 'Should HIV/AIDS Be Securitized?', pp. 119-144.

<sup>124</sup> Hindmarch, p. 25.

<sup>125</sup> Grayson, *Chasing Dragons*, pp. 125-196.

<sup>126</sup> Bloss, p. 4.

<sup>127</sup> Jackson, p. 308, 314.

<sup>128</sup> Buzan and Wæver, 'Macrosecuritisation and Security Constellations', p. 254 & p. 265.

<sup>129</sup> Dorn, p. 545.

<sup>130</sup> Jackson, p. 314.

<sup>131</sup> Hesselroth, [online].

<sup>132</sup> Franke, [online].

<sup>133</sup> Bloss, p. 4.

<sup>134</sup> Herschinger, *Constructing Global Enemies*, pp. 61-98.

<sup>135</sup> Fukumi, pp. 137-173.

and Wæver,<sup>136</sup> Dorn<sup>137</sup>) and development and aid policies (Hesselroth,<sup>138</sup> Volker,<sup>139</sup> Bloss,<sup>140</sup> Fukumi<sup>141</sup> and Dorn<sup>142</sup>). What is quickly noticeable when analysing the literature is how few of the articles identify specific speech acts for the securitizing moves. The fact that when empirically examining the various securitizations of drugs, so few analysts actually pinpoint the speech act, reinforces the point that the CS's focus predominantly on the speech act is too narrow. It also supports a move to pay additional and particular attention to the practices that contribute to the securitization, the context in which the securitizing moves play out, as well as conceptualising the 'actor' and 'audience' both as integral parts of the securitizing agent.

## 5. The securitizing 'acts': speech act(s) and practices

As has already been discussed in this chapter, the securitizing move is conceptualised as being made through a range of discourses and practices, or 'acts'. This section will then firstly, analyse the function and importance of the speech act within the securitization. Secondly, it will analyse the individual elements of the speech act itself, i.e. the referent object, existential threat and 'emergency measures' that follow. Thirdly it will analyse the rhetorical and discursive strategies that can be used to persuade the audience(s) of the need for the issue to be securitized, and finally it will scrutinise the role of practices as securitizing 'acts'.

### 5.1. Function and importance of the speech act

In this thesis, it will be shown that a securitization is established through a combination of discursive and non-discursive practices that together contribute to creating a shared understanding of drugs as a security threat. This results from more than just a 'performative' speech act *event*. In neither of my case studies did one single speech act construct drugs as a threat. Rather, there were multiple subsidiary speech acts within the main speech act<sup>143</sup> that were carried out by a range of different

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<sup>136</sup> Buzan and Wæver, 'Macrosecritisation', p. 265.

<sup>137</sup> Dorn, p. 545.

<sup>138</sup> Hesselroth, [online].

<sup>139</sup> Franke, [online].

<sup>140</sup> Bloss, p. 9.

<sup>141</sup> Fukumi, pp. 109-134.

<sup>142</sup> Dorn, p. 545.

<sup>143</sup> Juha Vuori, 'Illocutionary Logic and Strands of Securitization: Applying the Theory of Securitization to the Study of Non-Democratic Political Orders', *European Journal of International Relations*, Vol. 14: 1, 2008, p. 74.

actors and intersubjectively agreed upon amongst the 'agent'. Because these speech acts were intersubjectively negotiated this thesis sees the speech act as perlocutionary.

For the CS, the speech act is an illocutionary act and it "is not interesting as a sign referring to something more real; it is the utterance itself that is the act. By saying the words, something is done..."<sup>144</sup> Their emphasis on the speech act owes a cited debt to John L. Austin's work on speech act theory<sup>145</sup> in which he identifies three different types of speech act: the locutionary; the illocutionary; and the perlocutionary. Austin states that

a *locutionary* act... is roughly equivalent to 'meaning' in the traditional sense.... We also perform *illocutionary* acts such as informing, ordering, warning, undertaking... [these are] utterances which have a certain (conventional) force... we may also perform *perlocutionary* acts: what we bring about or achieve *by* saying something, such as convincing, persuading, deterring, and even, say, surprising or misleading.<sup>146</sup>

Simply put, Austin defines the differences between these three speech acts as follows: "we can... distinguish the locutionary act 'he said that...' from the illocutionary act 'he argued that...' and the perlocutionary act 'he convinced me that...'"<sup>147</sup> However, Bourdieu has critiqued Austin's interpretation of the illocutionary by arguing the "the illocutionary force of expressions cannot be found in the very words, such as 'performatives', in which that force is *indicated*, or better, *represented*... [italics in the original text]"<sup>148</sup> Bourdieu points out that only in very rare cases is speech actually 'performative'; instead, the power of language comes from the authority and position of the speaker to say those words rather than any inherent performativity of the words themselves.<sup>149</sup> Whilst Buzan et al. do recognise the role that the political agency of the speaker plays in creating a successful securitization among their 'facilitating conditions', they still claim that

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<sup>144</sup> Buzan et al., p. 26.

<sup>145</sup> Buzan et al., pp. 27, 33.

<sup>146</sup> John L. Austin, *How to Do Things with Words*, (Oxford: Clarendon Press, 1975), p. 109.

<sup>147</sup> Austin, p. 102.

<sup>148</sup> Pierre Bourdieu, 'Authorized Language: The Social Conditions for the Effectiveness of Ritual Discourse', *Language and Symbolic Power*, ed. by John B. Thompson, trans. by Gino Raymond and Matthew Adamson, (Cambridge: Polity Press, 1991), p. 107.

<sup>149</sup> Bourdieu, pp. 107-109.

'security' is a "self-referential practice"<sup>150</sup> which illustrates their emphasis on the illocutionary speech act.

A number of second generation securitization theorists argue that by relying on the illocutionary act, the CS undermines the role of the audience and the intersubjective nature of securitizations, which they claim play an important role in making a securitization successful.<sup>151</sup> Balzacq notes that because the CS only identify three units of analysis - the referent object, the securitizing actor and the functional actors<sup>152</sup> - and exclude the audience as a unit of analysis, for the CS the process is not actually intersubjective and therefore for them the illocutionary act is appropriate.<sup>153</sup> If the process is truly intersubjective and the audience's role is important in creating a successful securitization, the speech act should be seen as being perlocutionary because this allows for the actor to persuade or convince the audience.<sup>154</sup> Rita Taureck, however, defends Buzan et al.'s use of the illocutionary act: she argues that Wæver was well aware of Austin's work and consciously chose the illocutionary act that, she suggests, indicates that the intersubjective relationship between audience and actor is less relevant than some have stated.<sup>155</sup> In the securitizing moves analysed in this thesis, the threat construction is intersubjectively negotiated between elements of the 'agent' (actor and audience) which leads me to see the speech act as perlocutionary. The speech acts themselves are not simply performative; instead, they function as tools to persuade the audiences of the necessity to do something.

The CS has identified three 'facilitating conditions' that must be present in order for a securitization to be successful. These are based on Austin's six 'felicity conditions' that produce the performativity of the speech act: the utterance must follow the recognised procedure; the actor(s) and circumstance(s) must be relevant to the procedure invoked; the procedure must be carried out correctly; it must also be carried out completely; the actor must be sincere in its utterance; and finally

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<sup>150</sup> Buzan et al., p. 24.

<sup>151</sup> Thierry Balzacq, 'The Three Faces of Securitization: Political Agency, Audience and Context', *European Journal of International Relations*, Vol. 11: 2, June 2005, pp. 175-176; Stritzel, 'Towards a Theory of Securitization', p. 376; McDonald, p. 16.

<sup>152</sup> Buzan et al. 1998, p. 36.

<sup>153</sup> Balzacq, 'The Three Faces of Securitization', pp. 176-177.

<sup>154</sup> Balzacq 'The Three Faces of Securitization', p. 175-76.

<sup>155</sup> Rita Taureck, 'Securitisation Theory – The Story So Far: Theoretical Inheritance and What it Means to Be a Post-structural Realist', paper presented at the 4<sup>th</sup> Annual CEEISA Convention, University of Tartu, 25-27<sup>th</sup> June 2006, p. 20-21.

an actor must continue to support the utterance and its implications thereafter.<sup>156</sup> Buzan et al.'s first 'facilitating condition' is an internal condition of the speech act whereby using the grammar of security is crucial to constructing a successful securitization.<sup>157</sup> This means that the securitizing actor must not only identify the existential threat, referent object and extraordinary measures but also use sector-specific language, for example speaking identity in the societal sector, sovereignty in the political sector and so on. The second and third 'facilitating conditions' are external to the speech act in that they are contextual and social and relate to the power of the securitizing actor vis-à-vis the audience and the recognisable nature of the threat.<sup>158</sup> It is in these second and third 'facilitating conditions' that Buzan et al. incorporate the importance of the agency of the speaker when performing the speech act as well as highlighting that the discursive strategies need to be contextually relevant to the situation. However, the CS still see the speech act *event* as the predominant aspect of the securitization.

Various scholars have critiqued this reliance on the speech act *event*<sup>159</sup> and some have proposed broader, more 'externalist' frameworks that can incorporate the historical and social contexts in which the speech act is made, non-discursive practices and the power dynamics between actors and audiences that are inherent in the securitization.<sup>160</sup> Balzacq proposes that from a speech act, or 'philosophical', perspective security can be seen as a conventional procedure in which all 'felicity conditions' must be met for a successful securitization to occur; the 'sociological', or context-laden perspective, in contrast, is more concerned with the process of securitization, the context in which it occurs and the 'rules' underlying its success or failure.<sup>161</sup> Furthermore, he notes that, though the

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<sup>156</sup> Taureck, p. 8.

<sup>157</sup> Buzan et al., p. 32.

<sup>158</sup> Buzan et al., p. 33.

<sup>159</sup> Balzacq, 'A theory of securitization', pp. 1-2; Stritzel, 'Towards a Theory of Securitization', p. 359; Lene Hansen, 'The Little Mermaid's Silent Security Dilemma and the Absence of Gender in the Copenhagen School', *Millennium: Journal of International Studies*, Vol. 29: 2, 2000, p. 285; Michael C. Williams, 'Words, Images, Enemies: Securitization and International Politics', *International Studies Quarterly*, Vol. 47, 2003, pp. 524-28; Lene Hansen, 'The Politics of Securitization and the Muhammad Cartoon Crisis: A Post-Structuralist Perspective', *Security Dialogue*, Vol. 42:4-5, 2011, pp. 357-369; Bigo, 'Security and Immigration', pp. 63-92; Bigo, 'Globalised (in)Security', pp. 10-48; Jef Huysmans, *The Politics of Insecurity: Fear, Migration and Asylum in the EU*, (Abingdon: Routledge, 2006), pp. 6-10; Claire Wilkinson, 'The Copenhagen School on Tour in Kyrgyzstan: Is Securitization Theory Useable Outside Europe?', *Security Dialogue*, Vol. 38: 1, 2007, p. 12.

<sup>160</sup> Balzacq, 'A Theory of Securitization', p. 1; Stritzel, 'Towards a Theory of Securitization', p. 359.

<sup>161</sup> Balzacq, 'A Theory of Securitization', pp. 1-2.

audience is important for both groups of securitization scholars, it is conceived of differently: for those of a 'philosophical' view, the audience is a distinct group who is often primed to be receptive; from a 'sociological' standpoint, the audience and actor(s) are mutually constitutive, and can be seen to evolve through the securitization process.<sup>162</sup> Balzacq argues that the 'sociological' perspective allows for a broader conceptualisation of securitization which

can be discursive and non-discursive; intentional and non-intentional; performative but not 'an act in itself'. In short, security problems can be designed or they can emerge out of different practices, whose initial aim (if they ever had one) was not in fact to create a security problem.<sup>163</sup>

Other securitization analysts have also criticised the reliance on a speech act theory-based perspective because it does not fully consider the positional relationship of actor and audience<sup>164</sup> and therefore fails to account for repression,<sup>165</sup> and presupposes a situation where speech is possible.<sup>166</sup> Furthermore, focusing on the speech act also suggests that speech is the only relevant form of discourse to be analysed. However, Williams and Hansen both argue that images can be used to create the securitizing move<sup>167</sup> and others have pointed out that protest or physical migration could be seen as expressing security concerns as well as law enforcement and other forms of practices.<sup>168</sup> The ways in which practices can contribute to a securitization either independently or in conjunction with speech acts will be explored in further detail later in this chapter. The following sections re-evaluate the conceptualisation of 'referent object', 'existential threat' and 'extraordinary measures' using a

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<sup>162</sup> Balzacq, 'A Theory of Securitization', p. 2.

<sup>163</sup> Balzacq, 'A Theory of Securitization', p. 2.

<sup>164</sup> Balzacq, 'The Three Faces of Securitization', pp. 171-201; 'A Theory of Securitization', p. 1-30; O'Reilly, pp. 66-72; Roxanna Sjostedt, 'Exploring the Construction of Threats: The Securitization of HIV/AIDS in Russia', *Security Dialogue*, Vol. 39: 1, 2008, pp. 7-29; Stritzel, 'Towards a Theory of Securitization'; Mark B. Salter, 'Securitization and Desecuritization: a Dramaturgical Analysis of the Canadian Air Transport Security Authority', *Journal of International Relations and Development*, Vol. 11, 2008; Jocelyn Vaughn, 'The Unlikely Securitizer: Humanitarian Organizations and the Securitization of Indistinctiveness', *Security Dialogue*, Vol. 40: 3, 2009, p. 274.

<sup>165</sup> Stritzel, 'Towards a Theory of Securitization', p. 363.

<sup>166</sup> Hansen, 'The Little Mermaid', p. 285.

<sup>167</sup> Williams, pp. 524-528; Hansen, 'The Little Mermaid', pp. 357-369.

<sup>168</sup> Balzacq, 'A Theory of Securitization', pp. 15-17; Bigo, 'Security and Immigration', pp. 63-92; Bigo, 'Globalised (in)Security', pp. 10-48; Hansen, 'The Little Mermaid', pp. 291-93; Huysmans, *The Politics of Insecurity*, pp. 6-10; Wilkinson, p. 12.

sociological approach to the study of securitization, with specific reference to the case studies in this thesis.

### 5.1.1. The referent object

As mentioned earlier, for the CS, the referent object is one of the three key units of analysis and they define it as “things that are seen to be existentially threatened”.<sup>169</sup> Buzan et al. argue that in traditional security studies the referent object is usually the state, if sovereignty is threatened or the nation, if identity is threatened. However, the utility of the securitization framework is that it allows the analyst to explore a much broader remit whereby almost anything can, in principle, become a referent object.<sup>170</sup> Buzan et al. claim that scale and size are crucial in determining a referent object. They argue that although theoretically anyone can securitize anything, in practice the ‘facilitating conditions’ limit what can and cannot be successfully securitized. Therefore security is usually spoken on behalf of “middle-scale or limited collectivities” such as the state or the nation, though they recognise that there have been some examples of successful securitizations at the international level – most notably attempts to create humankind as the referent object threatened by nuclear annihilation during the Cold War<sup>171</sup> and more recently with the Global War on Terror.<sup>172</sup> The global securitization of drugs and the international drug control system laid out in the UN Single Convention, like the securitization of the nuclear threat during the Cold War, clearly identified humankind as the referent object and has been ratified by over 90% of members states,<sup>173</sup> making it another example of a large-scale collectivity being made a convincing referent object. In the second case study analysed in this thesis, the referent objects were both the (US) nation and the state.

### 5.1.2. The existential threat

The CS argue that existential threats are not based on any objective universal standards, rather, they only become a threat when they are presented as one.<sup>174</sup> Buzan et al. state that a successful

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<sup>169</sup> Buzan et al., p. 36.

<sup>170</sup> Buzan et al., p. 36.

<sup>171</sup> Buzan et al., p. 36 ; Buzan and Wæver, *Regions and Powers*, p. 296.

<sup>172</sup> Buzan and Wæver, ‘Macrosecuritisation’, p. 254.

<sup>173</sup> There are currently 185 member states signed up to the Single Convention. See, United Nations Office on Drugs and Crime (UNODC), *Status of treaty adherence*, UNODC, [online]. Available from: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=VI-18&chapter=6&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-18&chapter=6&clang=en) (accessed 14/01/18).

<sup>174</sup> Buzan et al., p. 24.



securitization has three elements: the identification of existential threats; the articulation of extraordinary measures; and ensuing impacts upon “interunit relations by breaking free of the rules.”<sup>175</sup> They view issues as sitting along a spectrum on which they can be plotted: at one end are issues that are non-politicised – i.e. not debated within the public sphere – then there are issues that are ‘politicised’ – i.e. managed within the political system – and at the other end sit securitized issues – i.e. ones that need to be dealt with outside of the state’s normal political processes.<sup>176</sup> Issues may be moved along this spectrum from problematic to existential threat and back again by different actors.<sup>177</sup> However, the translation of threats can be interpreted differently in different places,<sup>178</sup> as will be seen in Chapter Four, particularly with discussions around what constituted ‘medical and scientific use’ and the position of non-Western forms of medicine.

Hindmarch argues that identifying an issue as an existential threat rather than as something that causes fear or unease is crucial because “threat does specific discursive work that fear and unease do not”.<sup>179</sup> In the case studies in the thesis, illicit drug use and the trade that accompanies it have been clearly discursively constructed as existential threats that cause “evil”<sup>180</sup> and are “destabilizing democratic allies”.<sup>181</sup> Designating an issue as a threat therefore has important consequences however. Once an issue has been discursively constructed as being threatening, it is necessary to take action against this threat and there are only a limited number of ways to react to an existential threat: defence, containment or elimination.<sup>182</sup> In the first case study analysed in this thesis, the articulated aim was for elimination of illicit drug use; in my second case study, the objectives were to contain and defend against the threat posed by illicit drugs and its related trade. As has been shown in Table 1. (the Drug Control *Dispositif*, p. 18), there are a wide range of problems and threats identified in

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<sup>175</sup> Buzan et al., p. 26.

<sup>176</sup> Ralph Emmers, ‘Securitization’, in, *Contemporary Security Studies*, ed. by Alan Collins, (Oxford: Oxford University Press, 2007), p. 112; Alan Collins, ‘Securitization, Frankenstein’s Monster and Malaysian education’, *The Pacific Review*, Vol.18: 4, 2005, p. 570.

<sup>177</sup> Rita Abrahamsen, ‘Blair’s Africa: The Politics of Securitization and Fear’, *Alternatives: Global, Local, Political*, Vol. 30: 1, 2005, pp. 59.

<sup>178</sup> Holger Stritzel, ‘Security as Translation: Threats, Discourse, and the Politics of Localisation’, *Review of International Studies*, Vol. 37: 5, 2011, pp. 2491-2517; Holger Stritzel, ‘Securitization, Power, Intertextuality: Discourse Theory and the Translations of Organized Crime,’ *Security Dialogue*, Vol. 43: 6, 2012, pp. 549-567.

<sup>179</sup> Hindmarch, p. 29.

<sup>180</sup> United Nations, *The Single Convention*, p. 1.

<sup>181</sup> The White House, *National Security Decision Directive 221*, p. 1.

<sup>182</sup> Hindmarch, p. 29.

relation to drugs. In the case studies under analysis in this thesis, 'drugs', illicit drug use, drug trafficking and illicit drug production are all identified as being threatening. These issues sit clearly within the securitized range of the drug control *dispositif* and those issues that are identified as 'problems' are dealt with through 'normal' politics rather than securitization.

### 5.1.3. Extraordinary measures – politics, security and emergency

For the purpose of this thesis, I argue, *contra* to the CS, that 'security' is not necessarily separate from 'politics' and that everyday practices like those of policing, customs and border controls, sharing information and monitoring of seizures of illicit drugs and arrests as well as submitting drug estimates and statistics can be seen as contributing to the construction of drugs as an existential threat. Whilst the CS suggest that once a securitizing move has been accepted, it is no longer debated in the political arena, Salter and others, argue that many solutions to the threat are in fact discussed, and sometimes challenged within the public sphere.<sup>183</sup> This occurred during the Reagan era when there was an ongoing debate about whether the military should have the power of arrest or not.

For the CS, portraying an issue as an existential threat that requires emergency measures raises issues out of the realm of "normal politics".<sup>184</sup> However a number of scholars have raised questions about whether this dichotomy between 'normal' and 'exceptional' politics is useful.<sup>185</sup> It has been argued that Buzan et al.'s emphasis on existential threats and their definition of 'security' as a "special kind of politics, or above politics"<sup>186</sup> is underpinned by a Schmittian understanding of the politics of emergency and decision-making.<sup>187</sup> In support of this interpretation, Taureck posits that "just as the nature of the 'political' is determined by the division between friend and enemy, the nature of 'security' is determined by division between normal democratic rule obeyed politics and extraordinary politics beyond rules and regulations."<sup>188</sup> However, as Guzzini notes, Olé Wæver has argued that whilst for Schmitt exceptionalism is the basis of the 'political', for securitization theory exceptionalism

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<sup>183</sup> Mark B. Salter, 'When Securitization Fails: The Hard Case of Counter-Terrorism Programs', in *Securitization Theory: How Security Problems Emerge and Dissolve*, ed. by Thierry Balzacq, (Abingdon: Routledge, 2011), p. 121; Holger Stritzel and Sean C. Chang, 'Securitization and Counter-securitization in Afghanistan', *Security Dialogue*, Vol. 46: 6, 2015, footnote 3, p. 561.

<sup>184</sup> Buzan et al., pp. 24-25.

<sup>185</sup> Balzacq et al., p. 2.

<sup>186</sup> Buzan et al., p. 23.

<sup>187</sup> Williams, p. 515.

<sup>188</sup> Taureck, pp. 15-16.

is the antithesis of the political.<sup>189</sup> Though the CS framework see emergency measures as a 'breaking of the rules' and therefore exceptional, it has also been posited that securitizations can evolve through continuous practices rather than only through exceptional policies, particularly through institutional competition within "the professional security field",<sup>190</sup> as will be discussed later in this chapter.

Buzan et al. themselves do not define extraordinary measures, they merely state that such measures are "beyond rules that would otherwise bind".<sup>191</sup> Such actions therefore can only be identified in relation to the referent object and existential threat and they are also sector-specific. The CS argue that the articulation of 'emergency action' and a 'breaking of the rules' is an essential part of a securitization. Although Wæver does not define 'special powers', in all societies there are 'rules' which come from specific historical and social contingencies and securitizations can be seen as the breaking of these rules "to reproduce the political order, for renewing discipline, and for controlling society and political order".<sup>192</sup> Roxanna Sjostedt questions whether the emphasis on 'extraordinary measures' and 'breaking the rules' is overplayed. She points out that apart from military issues (including terrorism), policymakers - at least in democratic countries - are most likely to deal with the issue through normal democratic means; therefore, she proposes that the securitization occurs when an issue is framed as an existential threat and a strategy to act is proposed even if rules are not broken.<sup>193</sup>

## **5.2. Discursive and rhetorical strategies**

When analysing securitizing speech acts, as well as identifying the individual elements, it is useful to explore what discursive strategies are used. This mode of analysis can shed light on how actors tailor their messages to specific audiences and contexts in order to increase the likelihood of the securitization move being accepted.<sup>194</sup> Senn defines the narrative strategies of securitization as "the inclusion and treatment of narrative elements (such as events, characters, and perspectives) at

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<sup>189</sup> Stefano Guzzini, 'Securitization as a Causal Mechanism', *Security Dialogue*, Vol. 42: 4-5, 2011, p. 332.

<sup>190</sup> Bigo, 'Security and Immigration', p. 73.

<sup>191</sup> Buzan et al., p. 5.

<sup>192</sup> Vuori, p. 69.

<sup>193</sup> Sjostedt, p. 10; Jef Huysmans, 'Revisiting Copenhagen: Or, on the Creative Development of a Security Studies Agenda in Europe', *European Journal of International Relations*, Vol. 4: 4, 1998, p. 10.

<sup>194</sup> Martin Senn, 'The Art of Constructing (In)Security: Probing Rhetorical Strategies of Securitization', *The Journal of International Relations and Development*, Vol. 19, 2016, p. 2.

different narrative levels to achieve specific perlocutionary effects on the audience”<sup>195</sup> and Vuori notes that complex speech acts can contain “narration, argumentation, and description.”<sup>196</sup> Actors may use ‘heuristic artefacts’ or dramatic language to elicit emotions from the audience and heighten the threat.<sup>197</sup> They may also rely on pre-existing narratives in order to place their securitizing move in the relevant historical and social context.<sup>198</sup>

These strategies can clearly be seen in the two case studies in consideration in this thesis. In both the securitizations analysed here, the ‘drugs as a threat’ discourse had been in existence for a long time before the securitizing process became fully accepted. As Chapters Three and Four show, the Single Convention relied in a large part on the discourses surrounding the danger of drugs and addiction that already existed within the drug control *dispositif*. Furthermore, although the international nature of drug prohibition was new, drug prohibitions themselves had been in place at different times and in different countries for centuries.<sup>199</sup> In the case of Reagan’s National Security Decision Directive 221 (Chapter Five), arguments about the threat caused by drugs to American society had been previously made by Harry Anslinger of the Federal Bureau of Narcotics (FBN) and US President Richard Nixon in the 1930s and 1970s respectively. Additionally, in both of my case studies dramatic language was used to support the securitizing move – drug addiction was described as ‘evil’ in the Single Convention<sup>200</sup> and the illicit drug trade was identified as “potentially destabilizing democratic allies”.<sup>201</sup> In a subsidiary speech act, Reagan equated drugs with “enemy planes and missiles”.<sup>202</sup> The rhetorical and narrative strategies used by the various actors in my two case studies will be explored in depth in Chapters Four and Five because as indicated above the levels of dramatization in the speech acts is illustrative of the fear that was attached to drugs.

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<sup>195</sup> Senn, ‘The Art of Constructing (In)Security’, p. 2.

<sup>196</sup> Vuori, p. 75.

<sup>197</sup> Balzacq, ‘Enquiries into Methods’. p. 36

<sup>198</sup> Martin Senn and Christoph Elhardt, ‘Bourdieu and the Bomb: Power, Language and the Doxic Battle Over the Value of Nuclear Weapons’, *European Journal of International Relations*, Vol. 20: 2, 2014, p. 316-40

<sup>199</sup> For example, see the historical analysis of Asian opium prohibitions by Windle, ‘How the East Influenced Drug Prohibition’, pp. 1185-1199.

<sup>200</sup> United Nations, *The Single Convention*, p. 11.

<sup>201</sup> The White House, *National Security Decision Directive 221* p. 2.

<sup>202</sup> Ronald Reagan, *Remarks on Signing the Just Say No to Drugs Week Proclamation*, 20<sup>th</sup> May 1986, Ronald Reagan Presidential Library and Museum [online]. Available from:

<<https://www.reaganlibrary.archives.gov/archives/speeches/1986/52086a.htm>> (accessed 25/03/15).

Rhetorical strategies may not only be used to appeal to the audience's fears and emotions, they may also be used to rhetorically coerce their listeners into agreement.<sup>203</sup> Krebs and Jackson have argued that rather than being persuaded, the audience may find itself rhetorically boxed into a corner, unable to formulate an acceptable rebuttal to the argument.<sup>204</sup> There are two crucial reasons why an actor may succeed in rhetorically coercing their opposition into supporting them: firstly, political actors have to justify their policies and they do this by using 'frames' and meanings that already exist within the discourse; secondly, actors cannot speak out of context – all speech is limited to "rhetorical commonplaces" which are notions that are shared, even if only weakly. Therefore, rhetorical contestation is placed within local boundaries and the actor and its opponents cannot introduce completely new arguments (rhetorical innovation) without potential costs.<sup>205</sup> Krebs and Jackson posit that rhetorical innovation is unlikely for three reasons: discourse is structured and whilst it is fluid it is not constantly in flux – "rhetorical stabilities" remain; creating and disseminating a new concept takes a lot of time and resources; new rhetorical commonplaces will be up against existing frames and arguments.<sup>206</sup>

This idea of rhetorical coercion partially explains how the US managed to persuade the European colonial powers of France, the Netherlands and Britain to give up their opium monopolies in their Asian territories (see Chapter Four). In Britain for example, domestic drug use and drug dealing<sup>207</sup> had been seen as dangerous since the early twentieth century<sup>208</sup> even though it was not seen as overly problematic in the colonies such as Burma and India, and there was growing antipathy at home to the colonial opium monopolies.<sup>209</sup> Once the US put explicit political and military pressure on the British to eliminate their colonial opium monopolies, this combined with pressure that was already being felt

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<sup>203</sup> Ronald R. Krebs and Patrick Thaddeus Jackson, 'Twisting Tongues and Twisting Arms: The Power of Political Rhetoric', *European Journal of International Relations*, Vol. 13: 1, 2007, p. 36.

<sup>204</sup> Krebs and Jackson, p. 36.

<sup>205</sup> Krebs and Jackson, p. 45.

<sup>206</sup> Krebs and Jackson, pp. 45-46.

<sup>207</sup> By the early twentieth century, drug dealing had become associated with Chinese immigrants and subject to a 'moral panic'. See, Marek Kohn, *Dope Girls: The Birth of the British Drug Underground*, (London: Granta Publications, 2001), p. 8.

<sup>208</sup> Heroin and cocaine were first controlled in Britain under the Defence of the Realm Act (1916) but regulated further under the Dangerous Drugs Act (1920). See, Berridge, *Opium and the People*, p. 237.

<sup>209</sup> Berridge, *Opium and the People*, p. 176.

domestically encouraged them to give way on the issue.<sup>210</sup> Though rhetorical coercion is not the only explanation for this development - the change in political circumstances during World War II must go a considerable way to explaining the change in policy - it does contribute to understanding why the British agreed to commit to ending their opium monopolies. This reinforces the idea that the linguistic act is not the only act involved in the securitizing process. Changing geo-political contexts and non-discursive practices were also important in creating the securitization.

### 5.3. Securitization through practice

As mentioned above, the securitizing 'acts' also include 'security' practices that operate within the drug control *dispositif* and have contributed to the securitizations analysed here in important ways. 'Security' practices are primarily carried out through policy tools.<sup>211</sup> These practices cover a range of different policy areas from health to criminal law and customs and border enforcement, as well as more traditional security practices such as military engagement. Such practices contribute to the securitizing move by sharpening the identification of an issue as an existential threat even though they may not be considered as necessitating the kind of 'emergency measures' that raise an issue out of 'normal politics'. A prime example of this is the requirement set out in the 1931 Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs for all states to submit estimates of licit drugs required for medical purposes, which created a clear demarcation between the licit and illicit drug trade. The establishment of a distinction between licit and illicit drug production and use created the boundaries of what is considered threatening as well as how to manage the threat.<sup>212</sup> Other examples of securitizing practices that will be discussed later are the way in which national interpretations of the Single Convention had the effect of drastically limiting access to essential medicines (Chapter Four) and the legal reforms initiated by the Reagan administration (Chapter Five).

Balzacq proposes that recognising such practices and instruments of security can show the analyst something about the threat but also highlights the preferred policies and how the actor attempts to deal with the threat.<sup>213</sup> In his analysis of the *dispositif* as a factor in the development of securitizations,

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<sup>210</sup> John Collins, 'Breaking the Monopoly System: American Influence on the British Decision to Prohibit Opium Smoking and End its Asian Monopolies, 1939-1945', *The International History Review*, Vol. 39, 2017, p. 88; Berridge, *Opium and the People*, p. 173.

<sup>211</sup> Balzacq, 'A Theory of Securitization', p. 15.

<sup>212</sup> Herschinger, *Constructing Global Enemies*, p. 62.

<sup>213</sup> Balzacq, 'A Theory of Securitization', p. 16.

Bigo posits that networks of 'managers of unease' share their knowledge and practices as part of the evolution and maintenance of the *dispositif*.<sup>214</sup> These shared networks and practices can contribute to the securitization, or at the very least make the securitization seem normal and therefore harder to challenge. The emphasis given to the role of practices within the securitization process is another area where Balzacq's framework provides greater utility for the case studies in this thesis than a pure CS conceptualisation does.

## **6. Agents of Securitization**

Balzacq argues that although Buzan et al. recognise three units of analysis, not only does this designation ignore the crucial role of the audience but in fact these units can be seen as falling into one 'level' of analysis, that of the 'agent'.<sup>215</sup> This section will explore the two of the key facets of the 'agent' as described by Balzacq - the actor(s) and the audience(s) - that contribute to the securitization process.

### **6.1. Actor(s)**

In the two case studies under examination here, there are a number of different, but often connected, actors ranging from governments to bureaucratic actors, and the wife of the US president in the case of NSDD-221. Sometimes these actors operate in conjunction with each other, sometimes they work in opposition and often their roles as actor and audience are blurred. Buzan et al. recognise that security is "a structured field in which some actors are placed in positions of power",<sup>216</sup> which means that some actors are better able to speak security than others.<sup>217</sup> They also note that the securitization will usually only be deemed successful if the actor has the power and legitimacy to speak for the referent object. This is one of the reasons that the US failed to securitize drugs through the League of Nations: they refused to join the organisation and had not yet reached the point of being a global hegemon, which meant that they did not have the power and legitimacy to speak convincingly for the referent object.

Buzan et al. make it clear that although it is possible for individuals or small groups "at the micro end of the scale" to securitize an issue, it is unlikely that they will have the power to get their voices

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<sup>214</sup> Bigo, 'Globalised (in)Security', p. 6.

<sup>215</sup> Balzacq, 'Enquiries into Methods', p. 35.

<sup>216</sup> Buzan et al., p. 31.

<sup>217</sup> Vuori, p. 70 ; Stritzel, 'Towards a Theory of Securitization', p. 364.

heard.<sup>218</sup> This means that the state is privileged in identifying an issue as an existential threat because governments have the power and capabilities to influence people. In democratic regimes, the government has some level of in-built legitimacy to speak for the citizenry due to the fact that the political representatives are elected, and if the public disagrees with an act carried out by a government, they can vote said government out of power,<sup>219</sup> though this rarely happens. In authoritarian or non-democratic systems, the actor still needs to appeal to an audience even if it is made up exclusively of members of the political/military elites who rely on the regime for their positions.<sup>220</sup> However, this blurring between actor and audience can occur in democratic systems as well, for example in cases of national security when the 'audiences', or groups that need to be convinced, are often military officials and the political elites and as such they are already part of the securitizing actor (when it is the state),<sup>221</sup> or when the audience is also the referent object.<sup>222</sup> In both of my case studies there were blurred lines between the actor and the audience: for example, the relationships between members states and the drug control bureaucrats during the drafting of the Single Convention is difficult to delineate and the US, which began the process as the 'actor', became an 'audience' during the ratification process. There is also a lack of clear boundaries between the Reagan administration (actor) and the military and security professionals (audience) during the drafting of NSDD-221. The media and general public can be seen as functioning as both actor and audience within the Reagan era securitization.

Salter argues that the 'statist model' does not fully explain the complex social dynamics involved in creating a successful securitization and that it is important to recognise that non-state actors can also securitize.<sup>223</sup> Some analysts have shown that the media, NGOs and private groups can be actors as well as security professionals such as customs officers, police, intelligence services and the military.<sup>224</sup> Other "common players in this role [as the securitizing actor] are political leaders, bureaucracies,

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<sup>218</sup> Buzan et al., p. 36.

<sup>219</sup> Collins, 'Frankenstein's Monster', pp. 570-571.

<sup>220</sup> Vuori, pp. 68-72.

<sup>221</sup> Taureck, p. 20 ; Vuori, p. 72.

<sup>222</sup> O'Reilly, p. 68.

<sup>223</sup> Salter, 'Securitization and Desecuritization', p. 324.

<sup>224</sup> O'Reilly, pp. 66-72; Monika Barthwal-Datta, 'Securitisng Threats without the State: A Case Study of Misgovernance as a Security Threat in Bangladesh', *Review of International Studies*, Vol. 35, 2009, pp. 277-300; Vaughn, pp.263-285; Sjostedt, p. 15; Hansen, 'The Little Mermaid', p. 293; Bigo, 'Globalised (in)Security', pp. 10-48.



governments, lobbyists and pressure groups”,<sup>225</sup> and collections of states, such as the United Nations (UN). Bigo argues that whilst ‘amateurs’ (e.g. churches, NGOs etc.) can also become involved in the process of defining security, security professionals have the edge because they are invested with institutional knowledge and authority.<sup>226</sup> Security professionals or ‘professional managers of unease’ can securitize or at the very least support the state when they attempt to carry out a securitizing move because the professionals are able to define, prioritise and categorise threats.<sup>227</sup> The ‘managers of unease’ are situated within a *habitus*, and they have a shared sense of the threat. Their field, therefore, is the management of fear and security and this allows them to claim ‘security’ as a legitimate object of their discourse.<sup>228</sup> Securitization can, therefore, be created between political actors in the national field and security professionals at the transnational level.<sup>229</sup> As Bigo notes, “the security process is thus a result of a field effect in which no actor can be the master of the game but in which everyone’s knowledge and technological resources produce a hierarchy of threats.”<sup>230</sup> The importance of the role of security professionals in defining threats is particularly relevant in both the case studies under analysis here. In the Single Convention case study, many of the key drug control bureaucrats came from a ‘security’ background in the broadest sense including policing, pharmaceutical or customs and excise rather than from medical backgrounds which might seem more relevant given that the substances of concern have major health impacts – indeed they worked to keep medical professionals out of the process of designing the international drug control system.<sup>231</sup> In the NSDD-221 case study, the CIA played an important role in identifying the threats posed by the illicit drug trade to US national security. Whilst amateurs need to prove their claims, professionals can rely on their authority to establish their claims and they also share such knowledge with other professionals: this shared sense of authority and agreement creates “a community of mutual

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<sup>225</sup> Buzan et al., p. 40.

<sup>226</sup> Bigo, ‘Security and Immigration’, p. 74.

<sup>227</sup> Bigo, ‘Security and Immigration’, p. 74.

<sup>228</sup> Bigo, ‘Security and Immigration’, p. 75.

<sup>229</sup> Bigo, ‘Security and Immigration’, p. 75.

<sup>230</sup> Bigo, ‘Security and Immigration’, p. 76.

<sup>231</sup> John Collins, ‘Keeping out ‘The Impractical Social Uplifters’: Avoiding the ‘Health and Welfarisation’ of Global Drug Control, 1945-1961’, paper presented at the *International Health Organizations (IHOs): The History for the Future Network* conference, Shanghai University and Centre for the Social History of Health and Healthcare (CSHHH), Shanghai, 21<sup>st</sup>-23<sup>rd</sup> April 2016; Sánchez-Avilés and Ditrych, p. 9.

recognition".<sup>232</sup> As Bourdieu notes, it is the authority of the speaker that gives their words power and legitimacy.<sup>233</sup>

In the political 'field' the ability to effect change through speech acts depends on the speakers' authority, this is referred to as 'linguistic competence', i.e. who can speak or engage in the debate.<sup>234</sup> 'Linguistic competence' works because there is an assumption that the actor knows what is going on and is concerned about the common good.<sup>235</sup> The communication of speech acts achieves its aims when the speaker and listener agree on mutual knowledge that persuades the listener to do something, therefore the power involved is relational rather than "self-actional".<sup>236</sup> Those that 'speak security' must have the symbolic capital (knowledge and authority) to produce a convincing argument.<sup>237</sup> Knowledge (cultural capital), trust and power relations (political and social capital) are all connected and are crucial to creating a successful securitization:<sup>238</sup> for example, health care professionals and the police can support/maintain securitizations of HIV/AIDS and organised crime respectively. Those with expert knowledge can securitize or be used to defend/maintain a securitization not because of their power but because of their authority within the system.<sup>239</sup> Senn and Elhardt argue that when the actor has symbolic power and uses pre-existing narratives they are more likely to be convincing.<sup>240</sup> It has been noted that it can be hard for 'non-experts' to challenge the knowledge of institutional authorities,<sup>241</sup> however one way to do this is to either propose alternative knowledge or "expose the experts" and their role in producing/maintaining the securitization.<sup>242</sup> Until the late twentieth century, there were few serious challenges to the prohibition paradigm. However, as we shall see in Chapter Six, new practices such as needle and syringe exchange programmes (NSPs) and drug consumption rooms (DCRs) were introduced in order to mitigate the threat posed by rising HIV infections and overdose rates amongst injecting drug users. These practices

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<sup>232</sup> Bigo, 'Security and Immigration', p. 74.

<sup>233</sup> Bourdieu, pp. 107-109.

<sup>234</sup> Balzacq, 'A Theory of Securitization', p. 25.

<sup>235</sup> Balzacq, 'A Theory of Securitization', p. 26.

<sup>236</sup> Balzacq, 'A Theory of Securitization', p. 22.

<sup>237</sup> Claudia Aradau, 'Security and the Democratic Scene: Desecuritization and Emancipation', *Journal of International Relations and Development*, Vol. 7, 2004, p. 394; Senn and Elhardt, p. 332.

<sup>238</sup> Balzacq, 'A Theory of Securitization', p. 26.

<sup>239</sup> Aradau, p. 395.

<sup>240</sup> Senn and Elhardt, p. 316-40.

<sup>241</sup> Aradau, p. 396.

<sup>242</sup> Bigo, 'Security and Immigration', p. 66.

were seen as a challenge to the international drug control system by the drug control bodies but were gradually accepted as evidence of their efficacy became recognised.

As well as having 'linguistic competence' and social and political capital, the security process evolves through the 'truth' of institutions and experts, supported by security professionals and commonly used discourses within the media. Security professionals therefore validate (or not) the discourses of political actors during the securitization process.<sup>243</sup> Foucault states that 'regimes of truth' are based on "the form of scientific discourse and the institutions which produce it."<sup>244</sup> According to Foucault those that are authorised within the "regime of truth" to speak are the "specific intellectual" and they have specific knowledge to speak on a specific subject.<sup>245</sup> Within their domain of knowledge, they are able to produce relevant truths. The institution in which the 'specific intellectual' is based gives the speaker their authority to speak and legitimises their discourse.<sup>246</sup> There are several important facets to this idea; the discourse is accepted as 'truth' because it is situated within a specific 'regime of truth'; the speaker is authorised to produce such 'truths' due to their position within a valid institution and their role as an expert; there exists a limited place in which the 'truth' operates; and finally, a specific set of practices that can produce the truth but are also effects of the 'truth'.<sup>247</sup> 'Truth' is determined both by the authority of the actor and the actual statement made. Discursive strategies then shape how the argument will be received.<sup>248</sup> Therefore, the securitization process occurs through the power positions of the actors rather than through the development of new frames, but it can also result from struggles both between institutions and within institutions regarding what can be conceived of as the legitimate 'truth'.<sup>249</sup> However, it should be noted that although security professionals and others claim that they are responding to increasing threats, the shift in focus from one threat to another can often be related to their own interests, such as competition for budgets and resources<sup>250</sup> rather than

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<sup>243</sup> Bigo, 'Security and Immigration', p. 76.

<sup>244</sup> Michel Foucault, 'Truth and Power', in *The Foucault Reader: An Introduction to Foucault's Thought*, ed. by Paul Rabinow (New York: Pantheon Books, 1984), p. 73.

<sup>245</sup> Foucault, *The Foucault Reader*, p. 69.

<sup>246</sup> Rachel Lart, 'Medical Power/Knowledge: The Treatment and Control of Drugs and Drug Users', in (Ed.) Ross Coomber, *The Control of Drugs and Drug Users: Reason or Reaction*, (CRC Press: Boca Raton, London 1998), p. 50.

<sup>247</sup> Lart, pp. 50-51.

<sup>248</sup> Balzacq, 'A Theory of Securitization', p. 26.

<sup>249</sup> Bigo, 'Security and Immigration', pp. 73-74.

<sup>250</sup> Bigo, 'Security and Immigration', pp. 63-64.

any objective 'truth'. This is illustrated by Harry Anslinger's eagerness to commit to cannabis control in the US as a way of protecting the Federal Bureau of Narcotics' budgets.<sup>251</sup>

## 6.2. The Audience(s)

According to the CS, 'security' is a self-referential practice but it is also an intersubjective process.<sup>252</sup> As mentioned earlier this seems somewhat contradictory, because if the securitizing process is truly intersubjective then it cannot also be self-referential. A number of scholars therefore have noted that there is the lack of conceptualisation surrounding the relationship between the actor and the audience<sup>253</sup> and that in empirical examples of securitizations it is often difficult to identify who the actors and audiences are or when the audience 'accepts' the securitizing move.<sup>254</sup> However, the audience is only one aspect of the securitizing move, and too much focus on the audience can overshadow the role of other aspects of the securitization such as administrative and security practices.<sup>255</sup> When attempting to identify the audience, it is important to recognise that the audience(s) must be relevant to the securitizing move and have the ability to legitimise the actor's claims,<sup>256</sup> but also that there is a mutual constitution between the actor and the audience<sup>257</sup> and the speech act may shape the audience.<sup>258</sup> Wilhelmsen argues from a post-structuralist perspective that the speech act creates/co-constitutes audiences and actors,<sup>259</sup> however, I argue that it is the securitization itself, including both speech acts and practices, which can create or at least, co-constitute actors and audiences.

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<sup>251</sup> Bewley-Taylor, *The United States and International Drug Control*, p. 41; James H. Mills, *Cannabis Britannica: Empire, Trade and Prohibition*, (Oxford: Oxford University Press, 2003), pp. 13-14.

<sup>252</sup> Buzan et al., p. 25.

<sup>253</sup> For example, Balzacq, 'A Theory of Securitization', pp. 1-30; Stritzel, 'Towards a Theory of Securitization', pp. 358-383; Taureck, pp. 1-31; Salter, 'Securitization and Desecuritization', pp. 321-349; Scott D. Watson, 'Construction 'Framing' the Copenhagen School: Integrating the Literature on Threat', *Millennium - Journal of International Studies*, Vol. 40: 2, 2012, pp. 279-301.

<sup>254</sup> Stritzel, 'Towards a Theory of Securitization', p. 363; Balzacq, 'A Theory of Securitization', p. 8.

<sup>255</sup> Balzacq, 'A Theory of Securitization', p. 8.

<sup>256</sup> Balzacq, 'A Theory of Securitization', p. 9.

<sup>257</sup> Salter, 'Securitization and Desecuritization', p. 329.

<sup>258</sup> McDonald, p. 572.

<sup>259</sup> Julie Wilhelmsen, 'How Does War Become a Legitimate Undertaking? Re-engaging the Post-Structuralist Foundation of Securitization Theory', *Cooperation and Conflict*, Vol. 52: 2, 2016, p. 4.

It is important to emphasise here that not all audiences are equal and that they can play different roles in the securitizing moves.<sup>260</sup> While some studies on securitization assume that the audience is the general public,<sup>261</sup> others point out that the audiences are often more likely to be political and military elites.<sup>262</sup> Roe identifies two forms of support that can be provided by the different audiences: moral support (e.g. the general public) and formal support (e.g. legislatures).<sup>263</sup> Even where the general public does make up part of the audience, they are likely to only be able to provide moral rather than formal support.<sup>264</sup> This is because, though securitizing actors may appeal to the general public for moral support, it is the formal support given by the legislative branch of government, the political and military elites or at the global level, the UN Security Council for example, that actually legitimises the securitizing move.<sup>265</sup> Even here however, the formal audiences carry differing amounts of weight: governments can dispense with the UN Security Council, for example, as Tony Blair did when attempting to securitize Iraq's weapons of mass destruction in 2003, but they cannot go to war without the support of the legislative body.<sup>266</sup> These ideas around formal and moral support, and the differing weight given by different audiences, are pertinent to my research because in my first case study of the international system, even once the national representatives had signed the UN Single Convention, they had to go back to their national governments to get the treaty ratified and incorporated into domestic legislation. My second case study highlights the two levels of support more clearly: Reagan appealed to the general public for moral support through his public addresses, but it was the formal support, not of Congress but of members of his own administration, that he needed in order to legitimise NSDD-221.

Although the audience is an active participant in the intersubjective process rather than a passive one, they can acquiesce to the actors' claims as well as accept them,<sup>267</sup> or as we saw earlier, they may be coerced through rhetoric.<sup>268</sup> Oren and Solomon advocate the idea that 'acceptance' can also consist

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<sup>260</sup> Vuori, p. 70; Balzacq, , 'A Theory of Securitization', p. 7.

<sup>261</sup> Vuori, p. 72; Collins, 'Frankenstein's Monster', p. 571.

<sup>262</sup> Taureck, p. 20; Vuori, p. 72.

<sup>263</sup> Paul Roe, 'Actor, Audience(s) and Emergency Measures: Securitization and the UK's Decision To Invade Iraq', *Security Dialogue*, Vol. 39, 2008, p. 613.

<sup>264</sup> O'Reilly p. 67; Balzacq, 'The Three Faces of Securitization', pp. 184-5; Roe, 'Actor, Audience(s) and Emergency Measures', p. 613.

<sup>265</sup> Balzacq, 'The Three Faces of Securitization', p. 185.

<sup>266</sup> Balzacq, 'The Three Faces of Securitization', p. 185.

<sup>267</sup> Watson, pp. 284-285.

<sup>268</sup> Krebs and Jackson, pp. 42-48.

of the audience(s) joining in with the actors in “ritualised chanting” rather than truly accepting the securitization; ritualised chanting, they argue, can stretch the moment of the act over time.<sup>269</sup> This idea of ritualised chanting as acceptance helps describes the period in between when states signed and ratified the Single Convention and when they enacted legislation to incorporate the treaty’s policies into domestic law and subsequently reiterated and embedded the prohibitionist paradigm.

In both securitizing moves analysed here the intersubjective relationships were important. During the League of Nations period there was genuine intersubjective engagement around whether drugs should be seen as a threat and during the drafting period of both the Single Convention and NSDD-221, the audiences were active in shaping the proposed practices even if they played a lesser role in debating the necessity of threat designation. In order to analyse the levels of audience engagement in my case studies I will be guided by a series of questions put forward by Côté: which aspects of the securitizing move does the audience agree/disagree with, and why? Did the audience manage to modify the securitization process? What response, if any, did the actor take to the audiences’ reactions? Did this have any effect on the securitizing move? What effect does the power relationship between actor and audience, the level of the audiences’ perceived knowledge, the level of engagement or the audience’s cohesiveness have on the influence of the audience to shape the securitizing process?<sup>270</sup>

## **7. Context: more than just a facilitating condition**

The importance of context within the securitization framework is another of the key areas where ‘second generation’ scholars have challenged the CS. The context in which the speech acts were made is crucial for my case studies and their relationship with the drug control *dispositif*. The drug control *dispositif* began to evolve in industrialising states in the mid- to late-nineteenth century as these societies formalised their medical and pharmaceutical professions and through the collection of data became aware of the risk of overdose and dependence on opiates (see Chapter Three). At this point, control of drugs was a domestic issue, but this changed in the twentieth century when the US called for international cooperation on the ‘drug problem’. Whilst the US was successful in internationalising the drug control *dispositif* in the first half of the twentieth century, it was far less successful at encouraging states to sign up to an international prohibition of non-medical/non-scientific drug use

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<sup>269</sup> Ido Oren and Ty Solomon, ‘WMD, WMD, WMD: Securitisation Through Ritualised Incantation of Ambiguous Phrases’, *Review of International Studies*, Vol. 41: 2, 2014, pp. 1-24.

<sup>270</sup> Adam Côté, ‘Agents without Agency: Assessing the Role of the Audience in Securitization Theory’, *Security Dialogue*, Vol. 47: 6, 2016, p. 15.

during this period. In the latter half of the twentieth century, this opposition faded away for a range of political, social, cultural and economic reasons. Though the US had refused to join the League of Nations, with the creation of the United Nations, there was greater US willingness to engage with the international system. Furthermore, during this period, the US established its position as a global hegemon, meaning that it had greater agency and power to speak for the referent object. As US power grew, the position of the European colonial powers within the international order declined. Once Britain, France and the Netherlands lost their Asian territories, first to the Japanese during World War II and then through the process of decolonisation, their need to defend quasi-medical use and opium regulation waned. In my second case study, it is important to understand how the Cold War and leftist revolutions in Central America shaped the securitizing move. The Reagan Doctrine of supporting anti-communist resistance movements explains why the US particularly identified Bulgaria, Cuba, and the Sandinistas in Nicaragua as regimes that were contributing to the illicit drug trade whilst ignoring allies such as the Nicaraguan Contras and Panama who had a long history of participating in illicit drug trafficking. The emphasis on 'family values' during the Reagan era also contributed to the 'Just Say No' campaign and the moral panic around crack cocaine.

Whilst the CS does recognise the role of context within the 'facilitating conditions', it is one of the most under-developed aspects of the original securitization framework.<sup>271</sup> A number of scholars have proposed revisions to the theory in order to highlight the importance of the social, political and historical contexts in which the securitizing move is made. It has been argued that there is a need for a deeper consideration of "political agency, audience and context" than the CS interpretation allows for,<sup>272</sup> and that the analyst must recognise the historical processes in which each securitization is situated.<sup>273</sup> Therefore, it is useful to see all securitizations as existing within a historical context rather than focussing solely on the speech act, which fails to take the complex nature of securitizations into account.<sup>274</sup> Hindmarch proposes that the way to resolve this tension between speech act and context is to see the speech act as the "analytical but not ontological starting point... [which then] emphasizes that speech acts are historically produced."<sup>275</sup> This then, allows the analyst to work backwards from the speech act in order to explore how the threat designation was produced and what antecedents it

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<sup>271</sup> Stritzel, 'Towards a Theory of Securitization', p. 360.

<sup>272</sup> Balzacq, 'The Three Faces of Securitization', pp. 171-201.

<sup>273</sup> Balzacq, 'The Three Faces of Securitization', p. 193.

<sup>274</sup> Balzacq, 'A Theory of Securitization', p. 14.

<sup>275</sup> Hindmarch, p. 30.

may have had. In line with this approach, Chapter Three provides the historical context in which the Single Convention and NSDD-221 were produced.

Considering the context within which the securitizing move occurs can also highlight who is authorised to speak as much as what they can say. Balzacq argues that agency and context are inextricably linked.<sup>276</sup> In order to successfully alert an audience to a security threat, the actor needs to situate their language in the relevant context.<sup>277</sup> As Balzacq notes, “success, that is, the possibility of marshalling the assent of the audience (the perlocutionary effect) rests with whether the historical conjuncture renders the audiences more sensitive to its vulnerability.”<sup>278</sup> Therefore, the success of the securitizing move is dependent on the actor choosing the right time as well as the right words to communicate the threat.<sup>279</sup> The circumstances, i.e. context, need to be right for the audience to recognise and fear the threat. This is a crucial aspect to consider in my research: it is not just what is said or how it is said, but when it is said. It is not only the context in which the securitizing move is made that is important to the success, the ‘resonance’ that it has for the audience is also crucial. As Watson notes, this is an area where securitization studies can learn something from the literature on framing: for both framing and securitizing moves, situating the issue within its social and political context is essential for success.<sup>280</sup> The ‘frame’ is used to structure the properties of an issue and label the issue as a threat; therefore, it must be relevant to the audience.<sup>281</sup> Speech acts then become heuristic cues that direct the audiences’ attention to a certain issue as a threat.<sup>282</sup> In a related vein Stritzel posits that it is also important to acknowledge the relational dynamics of the social and political processes that create a successful securitization.<sup>283</sup> In order to do so, he proposes three levels of “text, context and positional power”.<sup>284</sup> His framework creates three layers of securitization: the performative force of the speech act; the actors’ situated-ness in the existing discourse; and the positional power of the actor.<sup>285</sup> He further notes that analysis of the positional power of the actor

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<sup>276</sup> Balzacq, ‘A Theory of Securitization’, p. 11.

<sup>277</sup> Balzacq, ‘A Theory of Securitization’, p. 13.

<sup>278</sup> Balzacq, ‘A Theory of Securitization’, p. 13.

<sup>279</sup> Balzacq, ‘A Theory of Securitization’, p. 13.

<sup>280</sup> Watson, p. 287.

<sup>281</sup> Balzacq, ‘A Theory of Securitization’, p. 14.

<sup>282</sup> Balzacq, ‘A Theory of Securitization’, p. 14.

<sup>283</sup> Stritzel, ‘Towards a Theory of Securitization’, p. 367.

<sup>284</sup> Stritzel, ‘Towards a Theory of Securitization’, p. 368.

<sup>285</sup> Stritzel, ‘Towards a Theory of Securitization’, p. 370.



allows for the examination of hidden forms of influence that give the securitization framework a better grounding in social theory.<sup>286</sup>

## 8. When does a 'successful securitization' occur, and does it really matter?

'Second generation' scholars challenge the CS framework of securitization in relation to when an issue becomes 'successfully' securitized, or not. There are two related issues here: some scholars argue that the CS is not clear about when an issue becomes securitized;<sup>287</sup> others propose that a securitization should not be seen as a binary position of success/failure, rather that it exists upon a continuum and can move gradually through "normalcy, risk, threat" whereby the movement from 'normality' to 'emergency' can be a gradual process.<sup>288</sup> According to Hansen, the CS have resisted a firm definition around how one can identify the point at which a securitization has actually been successful.<sup>289</sup> Buzan et al. state that

discourse that takes the form of presenting something as an existential threat to a referent object does not by itself create securitization – this is a *securitizing move* [italics in original], but the issue is securitized only if and when the audience accepts it as such.<sup>290</sup>

However, they also note that a securitization becomes successful when the securitizing actor is allowed to break free of existing rules that would normally govern their behaviour and that 'security' is a self-referential practice.<sup>291</sup> It has been argued that this puts too much emphasis on the speech act *event* and the actors' ability to persuade rather than what is done by securitizing an issue. Furthermore, it is not always easy to pinpoint when the audience actually does accept the threat.<sup>292</sup> Some scholars have therefore proposed identifying the point of success as being when there is a general recognition of threat and discourses surrounding it,<sup>293</sup> or when a 'critical mass' of people accept the discursive construction of the issue as threatening.<sup>294</sup> In contrast, Salter argues that it is

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<sup>286</sup> Stritzel, 'Towards a Theory of Securitization', pp. 372-3.

<sup>287</sup> Hansen, 'The Little Mermaid', pp. 285-306; Barthwal-Datta, pp. 277-300; O'Reilly, pp. 66-72; Collins, 'Frankenstein's Monster', pp. 558-567.

<sup>288</sup> Vuori, p. 72; Abrahamsen, p. 59; Salter, 'When Securitization Fails', pp. 119-20.

<sup>289</sup> Hansen, 'The Little Mermaid', p. 295.

<sup>290</sup> Buzan et al., p. 25.

<sup>291</sup> Buzan et al., p. 25.

<sup>292</sup> Barthwal-Datta, p. 284.

<sup>293</sup> Barthwal-Datta, p. 285.

<sup>294</sup> O'Reilly, p. 67.

not enough for the audience just to accept the threat, there must be policy change as well. He recognises that this is a development away from the original CS conceptualisation of securitization.<sup>295</sup> McDonald argues that because the CS is not clear as to when an issue becomes securitized, it makes no sense to focus on 'the moment'. He notes that there are a number of reasons why it may not be clear or useful to focus on when an issue has become securitized: issues can come to be seen as a threat over time; focussing on 'the moment' does not help us understand how or why the securitizing move succeeded at that moment; emphasis on 'the moment' can equate to 'panic politics' which suggests that there was an either/or moment which is not realistic.<sup>296</sup>

In the first of my two case studies, it is impossible to identify a specific or single 'moment' of success because even once the convention was drafted and signed by member states, it took three years for enough states to ratify it for it to become international law and then it took even more time for these states to incorporate its provisions into domestic law. The Single Convention can be seen, then, as a gradual securitization. By contrast, my second case study has a clearer 'moment' of success – 1986 – however, this fails to fully encapsulate the dynamics of the securitization. In this year NSDD-221 was signed, the US Foreign Assistance Act was amended to establish presidential 'certification' of drug producing and transit countries, the Drug Abuse Act introduced mandatory minimum sentences for drug offences and legitimised asset seizures by the law enforcement agents, and Executive Order 12564 introduced random drug testing for federal employees. Despite this 'moment' of 'success', US drug policy should still be seen as existing on a continuum that has included abstinence-based policy in combination with criminalisation (the Harrison Act and Reagan era policy), support for opiate maintenance under President Nixon and decriminalisation and tolerance during the Carter years.

Salter notes that securitizations may be (un)successful at different times for different groups<sup>297</sup> and therefore, in order to identify whether an issue has reached the securitization threshold, he proposes four questions that need to be asked: has the issue already been debated politically?; has the existential nature of the threat been accepted?; has the solution proposed to counter the threat been accepted?; has the proposed solution involved new or extraordinary/emergency powers?<sup>298</sup> Answering these questions, he suggests, puts the emphasis onto the process of moving something in and out of the security sphere rather than merely identifying something as being 'successfully'

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<sup>295</sup> Salter, 'When Securitization Fails', p. 120.

<sup>296</sup> McDonald, pp. 575-77.

<sup>297</sup> Salter, 'Securitization and Desecuritization', p. 324.

<sup>298</sup> Salter, 'When Securitization Fails', p. 120.

securitized or not.<sup>299</sup> With one modification, these questions will be applied to the case studies under investigation in this thesis, in order to explore whether the securitizing move reached the threshold of securitization. The modification I propose is that rather than the emphasis being on 'emergency' or 'extraordinary' measures, I have identified various policy instruments such as that of pharmaceutical and medical regulations as well as law enforcement practices that together form new, if not 'extraordinary', measures. This is because, as discussed earlier in this chapter, many securitization – including the securitization(s) of drugs – operate through everyday practices that can serve to establish or reinforce the idea that an issue is threatening.

## **9. Responses: desecuritizations, counter-securitizations and resistance**

After a securitization has been successfully established, there are a range of responses that can be carried out by those that might seek to challenge it. These include desecuritization, counter-securitization and resistance. Chapter Six will analyse some of the responses to the securitizations brought about by the Single Convention and Reagan era drug policy. These include harm reduction practices, decriminalisation, opiate maintenance and legal regulation of drugs. For the CS, and Wæver particularly, securitizations are seen as being anti-democratic and therefore desecuritization should be the ideal.<sup>300</sup> Aradau supports this interpretation to some extent by arguing that the speech act remains within normal democratic politics because the audience has to accept it, but once the speech act has been accepted the urgency of 'exceptional' politics means this is no longer democratic because the chances of judicial review, scrutiny and contestation no longer apply.<sup>301</sup> Desecuritization, she notes, is therefore is a normative process that aims to re-democratise emergency politics.<sup>302</sup> Roe argues that whereas 'normal' politics can be characterised by three 'D's': discussion, debate and deliberation; 'emergency' politics can be characterised by three 'S's': silence, secrecy and suppression.<sup>303</sup> Wæver and Bagge Laustsen also identify some of the negative impacts of

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<sup>299</sup> Salter, 'When Securitization Fails', pp. 119-20.

<sup>300</sup> Olé Wæver, 'Aberystwyth, Paris, Copenhagen: New 'Schools' in Security Theory and their Origins between Core and Periphery', paper presented at the *annual meeting of the International Studies Association*, Montreal, 17-20th March 2004 [online]. Available from: <<https://www.scribd.com/doc/40010349/Ole-Waever-Aberystwyth-Paris-en-New-Schools-in-Security-Theory-and-Their-Origins-Between-Core-and-Periphery>> (accessed 12/13/11).

<sup>301</sup> Aradau, p. 392.

<sup>302</sup> Aradau, p. 393.

<sup>303</sup> Paul Roe, 'Reconstructing Identities or Managing Minorities? Desecuritizing Minority Rights: A Response to Jutila', *Security Dialogue*, Vol. 37: 3, 2006, p. 426.

securitization, noting that when an issue is securitized it has internal effects such as inhibiting debate and democracy, and external effects such as “stimulating conflict, security dilemmas, and escalation”.<sup>304</sup> Desecuritization, then, can be understood as the democratisation of the non-democratic politics of securitization.<sup>305</sup>

The CS describe desecuritization as “the shifting of issues out of the emergency mode and into the normal bargaining processes of the political sphere”,<sup>306</sup> which means that the issue is no longer framed in terms of “threats against which we have counter-measures”.<sup>307</sup> Wæver, in his analysis of the end of the Cold War in Europe, describes two types of desecuritization: the first is a “negotiated desecuritization” whereby actors attempt to limit the use of the term ‘security’ and move issues back into the political realm; the second type he describes as “sudden desecuritization” or “speech-act failure”.<sup>308</sup> He uses the example of the 1989 revolutions in Eastern Europe and notes that “speech-act failure” occurred because the elites that had maintained the securitization lost confidence in the system, he characterises this as “inside-to-outside collapse”.<sup>309</sup> Roe notes that Wæver identifies three ways to desecuritize: not to talk about issues as security; to respond in ways that do not generate security dilemmas; and to move issues back into normal politics. However, Roe suggests that options two and three are difficult; particularly within the societal sector because identity-related securitizations are so strongly self-reinforcing.<sup>310</sup> He also critiques the first option for not being feasible because *de*-securitization suggests that the issue was securitized in the first place but also argues it is more like *non*-securitization whereby the issue has never been framed as a threat.<sup>311</sup> Wæver describes this state as *asecurity*, whereby actors “do not feel insecure [and] ... are more likely to be engaged in other matters”.<sup>312</sup> Roe also summarises Huysmans analysis, noting that there are three ways that issues can be transformed: the objectivist strategy, whereby the audience in

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<sup>304</sup> Bagge Laustsen and Wæver, ‘*In Defence of Religion*’, pp. 708-709.

<sup>305</sup> Aradau, p. 400.

<sup>306</sup> Buzan et al., p. 4.

<sup>307</sup> Buzan et al., p. 29.

<sup>308</sup> Wæver, ‘Securitization and Desecuritization’, p. 60.

<sup>309</sup> Wæver, ‘Securitization and Desecuritization’, p. 61.

<sup>310</sup> Paul Roe, ‘Securitization and Minority Rights: Conditions of Desecuritization’, *Security Dialogue*, Vol. 35: 3, 2004, p. 284.

<sup>311</sup> Roe, ‘Securitization and Minority Rights’, p. 285.

<sup>312</sup> Olé Wæver ‘Insecurity, Security and Asecurity in the West European Non-War Community’ in *Security Communities*, ed. by Emmanuel Adler and Michael Barnett, (Cambridge: Cambridge University Press, 1998), p. 71

persuaded that the issue is not really a threat: the constructivist strategy, which is characterised as 'the outside looking in', where an understanding of how the securitization was constructed changes the status quo; and finally, the de-constructivist strategy, characterised as 'the inside looking out' through which there is a breaking down in the distinction between 'self'/'other' and it is shown that how similar they both are.<sup>313</sup>

In recent years some 'second generation' scholars have started to explore other responses to securitizations such as 'resistance' and 'counter-securitizations'.<sup>314</sup> They suggest that counter-securitizations can be seen as forms of resistance and contestation.<sup>315</sup> Stritzel and Chang define counter-securitizations as "moves resisting crucial elements of the securitization process" that follow the "ideal-type" of grammar of security - claim, warning, directive. Counter-securitizations may therefore be seen as part of the intersubjective process.<sup>316</sup> They suggest that resistance and counter-securitizations can be carried out by "the securitized subject, outside actors or elements within a collective securitizing actor directed against the securitizing actor, the securitizing speech act, the referent object and/or emergency measures using the same or different referent objects."<sup>317</sup> The predominant ways of doing this, they argue, are through securitization or desecuritization and this usually involve processes of legitimisation or delegitimation; the successful outcome tends towards preventing, undermining or reversing the securitization process.<sup>318</sup> Chapter Six will analyse some of the responses to the securitization(s) of drugs, including desecuritizations (such as Switzerland and Portugal) and counter-securitizations (such as Uruguay's move to legally regulate cannabis for recreational use).

## **10. Methodology**

This section lays out the methodology used in this thesis and explains its usefulness in relation to the case studies under investigation in this thesis. As Balzacq has noted, simply using discourse analysis to explore securitizations can limit the questions that are asked to whether a securitization has

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<sup>313</sup> Roe, 'Securitization and Minority Rights', pp. 285-6.

<sup>314</sup> Stritzel and Chang, pp. 548-567.

<sup>315</sup> Salter, 'When Securitization Fails', pp. 118-121; Stritzel and Chang, pp. 548-567.

<sup>316</sup> Stritzel and Chang, p. 552.

<sup>317</sup> Stritzel and Chang, p. 553.

<sup>318</sup> Stritzel and Chang, p. 553.

happened and how it takes shape.<sup>319</sup> As is discussed in more detail below, the thesis employs a ‘sociological’ variant of securitization theory, rather than the CS model and in doing so, it combines and complements discourse analysis with process-tracing. Balzacq notes that discourse analysis is one of the most common methodologies used in securitization studies. This is because it is useful when mapping the development of discursive threat construction.<sup>320</sup> Balzacq delineates two types of discourse analysis: the ‘philosophical’ variant which is a form of social linguistic analysis and focuses largely on what is said; and the ‘sociological’ which is similar to critical discourse analysis and therefore additionally focuses on power relations.<sup>321</sup> Hindmarch attempts to reconcile these two approaches by suggesting that the speech act should be seen as the “analytical but not ontological starting point... [which then] emphasizes that speech acts are historically produced.”<sup>322</sup> Laffey and Weldes also propose working backwards from the empirical case in question to identify the conditions of possibility that allow for the discursive construction of an issue in a certain way and how such representations are normalised.<sup>323</sup> Taking this into account, and in order to address the key research questions of the thesis which aim to interrogate the processes through which drugs became constructed as a threat, how these constructions changed over time and which form of securitization theory is most useful when analysing these processes, the methodology of the thesis combines a discussion of discourse analysis and the speech acts, intratextuality and discursive themes and the relevance of process-tracing as a tool for securitization studies. This triangulated research design allows for more careful analysis of the development of the drug control *dispositif*, the political and social contexts that shape securitizations, the practices that contribute to them, as well as the evolution of the securitizing moves themselves. Tracing the processes that drove the securitizing moves helps to analyse under what conditions securitizations happen and how they have affected the evolution of the drug control *dispositif*.

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<sup>319</sup> Thierry Balzacq, ‘The Significance of Triangulation to Critical Security Studies’, *Critical Security Studies*, Vol. 2: 3, 2014, p. 377-81.

<sup>320</sup> Balzacq, ‘Enquiries into Methods’, p. 39.

<sup>321</sup> Balzacq, ‘Enquiries into Methods’, pp. 40-41.

<sup>322</sup> Hindmarch, p. 30.

<sup>323</sup> Mark Laffey and Jutta Weldes, ‘Methodological Reflections on Discourse Analysis’, *Qualitative Methods*, Spring 2004, Vol. 2: 1, pp. 28-30.

### 10.1. Discourse analysis and speech acts

Discourse analysis can potentially incorporate a wide variety of data sources including interviews, participant observations, archival material and media analysis.<sup>324</sup> In order to make sense of the data the analyst needs to identify two key features: specific strings of words which Balzacq describes as intratextuality and the relationship between the texts, or intertextuality.<sup>325</sup> Similarly, Hansen argues that all texts, either explicitly or implicitly, make reference to previous texts and in this manner they create their own meaning of past documents.<sup>326</sup> She has recommended that the analyst: firstly identify how an issue – in this case, drugs - and related policy are spelled out in the original text; next one needs to look at how these constructions have been reproduced in later documents; and finally the re-readings need to be compared with the original source.<sup>327</sup> This intertextual reading helps identify how the reinterpretations develop and change the meanings in the original texts.

Balzacq recommends identifying 'storylines' throughout the texts to give coherence. These 'storylines' have three functions: they show the links between characterisations that highlight the threat construction; they gain their own momentum as the storylines are repeated; they can also draw together contrasting understandings into a coherent whole.<sup>328</sup> They can be seen as elements of the *dispositif*. In order to analyse the *dispositif* one must gather together a broad range of "reports, doctrines, laws and official statements" so as to identify the consistencies "in the enunciation of the constructed problem(s)" and also any irregularities that may signify changes in orientation.<sup>329</sup> Initially one needs to analyse "these texts for their very positivity to observe the conditions of possibility they pose for non-discursive practices to develop beyond language".<sup>330</sup> These texts should be seen as part of a "much broader ensemble... that become a path towards the non-discursive dimension of the decidedly heterogenous set of practices..."<sup>331</sup> Hansen suggests a number of decisions that need to be made when designing a research project that looks at the securitization of an issue: whether to analyse discourse relating to one 'Self' or multiple 'Selves'; whether to look at one specific moment in time or

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<sup>324</sup> Balzacq, 'Enquiries into Methods', p. 41.

<sup>325</sup> Balzacq, 'Enquiries into Methods', p. 43.

<sup>326</sup> Lene Hansen, *Security as Practice: Discourse Analysis and the Bosnian War*, (Abingdon: Routledge, 2006), p. 55.

<sup>327</sup> Hansen, *Security as Practice*, p. 59.

<sup>328</sup> Balzacq, 'Enquiries into Methods', p. 43.

<sup>329</sup> Bonditti, p. 103.

<sup>330</sup> Bonditti, p. 103.

<sup>331</sup> Bonditti, p. 103.

a longer historical process; whether to identify one event or to compare discourse across a range of events.<sup>332</sup> This research project analyses the development of the drug control *dispositif* over a long term historical period - from the mid-nineteenth century to early-twenty first century. During this period, it deals with a number of 'Selves', both national and international. The two case studies identify one 'Self' each: the 'Global Self' in the case of the Single Convention, and the (US) national 'Self' in the case of NSDD-221. The aim is to compare discursive constructions of drugs across a range of events in order to analyse how the threat construction and the drug control *dispositif* changed over time.

Putting this methodology into practice initially involved identifying the key speech acts - the UN Single Convention and US President Reagan's NSDD-221 - associated with the securitizations in question and then examining related texts in order to analyse the discursive themes contained within them. The Single Convention was chosen as the first case study because it is widely seen as the cornerstone of international drug control system<sup>333</sup> and was the international treaty that established prohibition as the primary form of drug control across the majority of the world; it reoriented the drug control *dispositif* from a regulatory system to a prohibitive one.<sup>334</sup> NSDD-221 was chosen as the second case study because, although it was a piece of US domestic policy, it had ramifications for the international drug control system and the drug control *dispositif*. Not only did it change the way US drug law enforcement was prosecuted overseas by introducing militarised counter-narcotics programmes that were copied in other countries, but its focus on drugs as a threat to the state was replicated in the 1988 UN Convention which had the effect of integrating this perspective into global norms. This thesis has focussed largely on official government voices in order to discover how the authorised discourses were constructed and communicated to the public and in international fora. Such texts include direct and secondary intertextual links as well as texts that are supportive or critical of the status quo. The sources of data collected for analysis were official statements by government representatives and international institutions, private papers from the archives that record the development of policy positions and newspaper articles from the period under investigation.

Analysis of these texts highlights the development and stabilisation of official discourses on drug policy. This helps the analyst to understand the social, political and historical contexts in which the

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<sup>332</sup> Hansen, 'The Politics of Securitization', pp. 72-73.

<sup>333</sup> David Bewley-Taylor and Martin Jelsma, 'Regime Change: Re-visiting the 1961 Single Convention on Narcotic Drugs', *International Journal of Drug Policy* Vol. 23, 2012, p. 72.

<sup>334</sup> Sánchez-Avilés and Ditrych, p. 6.



securitizations were carried out, as well as the roles played by the agent(s). Hansen offers further methodological guidelines to researchers relying solely on analysis of official discourse: firstly, it is useful to recognise that official texts may be either single authored as in speeches and articles, or they may be developed in conjunction with others through dialogue; secondly, intertextual references may be either in support of, or critical of, events and contestations within the official policy; finally, it may be possible to highlight intertextual links that have been made explicit by political leaders or as secondary sources, which can further develop the intertextual links.<sup>335</sup>

## **10.2. Intratextuality and discursive themes**

The primary sources analysed for this thesis include the proceedings at the UN Single Convention plenipotentiary conference, various drafts of the Single Convention and the Commentaries to the Single Convention and Amending Protocol, as well as archival documents from the British National Archives, the US National Archives in Washington D.C. and Maryland, and the Ronald Reagan Presidential Library and Museum. Due to the fact that I do not speak any other languages, I was limited to only visiting archives in English language-speaking countries. Due to financial restraints, I was only able to visit archives in one country – the US - other than the UK, however I did carry out research in three different archives in the US, and it is worth highlighting that none of the academic studies on Reagan era drug policy have analysed documents in the Reagan Archives. Only examining documents in UK and US archives could have resulted in my privileging their voices over others and therefore missing out relevant discourses put forward by other states. However, in the international case study – that of the UN Single Convention – I was able to complement British and American archival sources with records from the UN plenipotentiary conferences that capture every states' contributions to the proceedings and therefore mitigates this risk. For the NSDD-221 case study I also relied upon President Reagan and Nancy Reagan's public pronouncements to further expand on public and political discourses surrounding drugs during the period under investigation. Media analysis has also been useful in the case of NSDD-221 because much of the material in the Reagan archives is still classified. I have reviewed a range of autobiographies, memoirs and diaries of key players in the Reagan administration<sup>336</sup> for the Reagan era case study, although these have provided little additional insight because they do not mention NSDD-221 and rarely mention drugs. This lack of reference to

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<sup>335</sup> Hansen, *Security as Practice*, p. 60.

<sup>336</sup> Ronald Reagan, *The Reagan Diaries*, ed. by Douglas Brinkley, (New York: Harper Collins, 2007); Caspar Weinberger *Fighting for Peace: Seven Critical Years in the Pentagon*, (New York: Warner Books Inc., 1991); Donald T. Regan, *For the Record: From Wall Street to Washington*, (New York: St Martin's Press, 1988).

such a key issue at the time could suggest that drugs were not a high priority for these members of the Reagan administration.

Examining the intratextuality in these texts involved distinguishing repeated strings of specific words that reflected how drugs, drug users and drug dealers have been represented over time. An initial reading of the texts was undertaken in order to identify potential key terms. A more in-depth analysis of these words and the context in which they were used was then carried out in order to illuminate the discursive themes, both within the texts and across them. For example, in the case study of the UN Single Convention, the search terms utilised were 'opium', 'opiates', 'narcotics', 'drugs', 'regulation', 'taxation', 'addict', 'addiction' and 'prohibition'. Because the preamble of the Single Convention states that "addiction to narcotic drugs constitutes a serious evil",<sup>337</sup> the use of the words 'evil', 'vice', 'contagion' and 'deviant' were also analysed. Examples of the discursive themes identified in the Single Convention case study were the need for the drug trade to be controlled in various ways, the importance of international cooperation, the challenge of balancing international control measures with national sovereignty, the importance of the concept and definition of the term 'legitimate' use, but also that drug users were the 'other' and that illicit drug use immoral. These themes were then analysed in relation to the questions of how drugs were represented in the international drug control system, how illicit drugs came to be constructed as threatening and what impact this threat-construction had on international drug control.

When researching the US case study, the search terms used were 'drug', 'narcotic', 'cocaine', 'heroin', 'cannabis', 'marijuana', 'Bulgaria', 'Cuba', 'Nicaragua', 'Contras', 'Blast Furnace', 'drug trafficking', 'family', and 'children'. Analysis of newspaper articles on drug policy related issues throughout 1986 from the New York Times and Washington Post was also employed here to complement the Reagan archival sources. The Pro Quest archive based at the British Library (for the New York Times) and the Washington Post archive online were used in order to carry out the media analysis; the terms 'drug', 'narcotic', 'dope', 'heroin' and 'cocaine' were searched for. Analysing the context in which these words were used and their regularity, drew out the discursive themes within and across the texts that contributed to the construction of drugs as being threatening to the American way of life and national and international security. These included the idea that drugs were foreign, drugs destroy lives and families, drugs were an enemy to be fought domestically and internationally, drugs were associated with terrorists and communists and that abstinence and a zero-tolerance approach were the best ways to deal with drugs. As with the Single Convention case study, these themes were also analysed in

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<sup>337</sup> United Nations, *The Single Convention*, p. 11.

relation to how drugs were represented, how they were constructed as threatening to the state, and the effects that these discursive themes had on national and international drug control. Finally, the themes that emerged from both case studies were analysed in relation to each other in order to draw out their congruence and how the threat-construction changed over time.

### **10.3. Process-tracing and the study of securitization**

This thesis has combined discourse analysis with process-tracing in order to develop a triangulated research design. As Balzacq notes, process-tracing is one of the more under-used methodologies in securitization theory. This is, he argues, partly because it is associated with positivist methodologies; however, he proposes that it can be used for certain types of securitization analysis.<sup>338</sup> By using process-tracing an analyst can look at various interactions and identify how they impact upon the case study and also under what conditions the securitizing moves succeed or fail.<sup>339</sup> Balzacq suggests that process-tracing is far better at accounting for the context in which a securitizing move occurs because discourse analysis does not address this question, only whether it has happened.<sup>340</sup> Furthermore, whereas discourse analysis is more likely to focus on successful securitizations, process-tracing gives space to analyse failed securitizations as well as to understand why some fail and others succeed.<sup>341</sup> Balzacq posits that there are two assumptions that can be interrogated using process-tracing: the centrality of the audience; and the co-dependency of agency and context.<sup>342</sup> He goes on to explain that these assumptions display identifiable processes and have distinct social mechanisms for example, persuasion can be seen as a social mechanism through which the audience engages with the actor, and learning is one of the social mechanisms through which to understand the co-dependency of agency and context.<sup>343</sup> Through process-tracing, the analyst can examine the amount of congruency between factors that can support or limit the securitizing moves within the drug control *dispositif* and therefore one can identify the relative status of various forces within the 'network of causality'.<sup>344</sup> Balzacq notes that it can be hard to pick one causal link, but by using 'congruence' between the moves of the actor, the relevant frames that speak to the audience and the context in which both are

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<sup>338</sup> Balzacq, 'Enquiries into Methods', p. 46.

<sup>339</sup> Balzacq, 'Enquiries into Methods', p. 47.

<sup>340</sup> Balzacq, 'Enquiries into Methods', p. 47.

<sup>341</sup> Balzacq, 'Enquiries into Methods', p. 47.

<sup>342</sup> Balzacq, 'Enquiries into Methods', p. 48.

<sup>343</sup> Balzacq, 'Enquiries into Methods', p. 48.

<sup>344</sup> Balzacq, 'Enquiries into Methods', p. 49.

situated, causal links can be identified.<sup>345</sup> Process-tracing therefore helps place the securitizations analysed in this thesis within the wider *dispositif* of the control of drugs.

Process-tracing involves examining the social and causal mechanisms that contribute to an outcome – in this case the construction of drugs as threatening to humankind and the state – being realised.<sup>346</sup> In practice this means identifying a series of hypotheses that could explain why a certain phenomenon was produced.<sup>347</sup> Mahoney suggests that in order to carry out process-tracing, an analyst must have an in-depth historical knowledge of the case under investigation, good knowledge of pre-existing theories and studies of the case and the capacity to engage in logical reasoning by relating the case study to broader general knowledge.<sup>348</sup> Analysis of the drug control *dispositif*, that pre-existed the securitization(s) of drugs, provides a historical background to the case studies as well as highlighting the range of drug control options that have existed across time and space. A wide range of histories of national and international drug policy<sup>349</sup> were used in conjunction with archival sources to provide this knowledge.

Such an approach helps to explore under what conditions an issue becomes securitized as well as highlighting the contextual factors that contribute to making the securitizing moves successful.<sup>350</sup> This is particularly relevant to my research because whilst each securitizing move was based in socio-linguistic practices, in each of the case studies there were wider geo-political and domestic contexts that influenced why the actors framed their speech acts in specific ways and why the audience(s) were willing to listen at that specific point in time. For example, when looking at the Single Convention case study, the rise of the US as a hegemonic power shaped their positional power and agency. At the

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<sup>345</sup> Balzacq, 'Enquiries into methods', p. 49.

<sup>346</sup> Balzacq, 'Triangulation', p. 379; James Mahoney, 'Process Tracing and Historical Explanation', *Security Studies*, Vol. 24:2, 2015, p. 202.

<sup>347</sup> Mahoney, p. 201; Balzacq, 'Enquiries into Methods', p. 47; Balzacq, 'Triangulation', pp. 379-380.

<sup>348</sup> Mahoney, pp. 201-202.

<sup>349</sup> Berridge, *Opium and the People*; Berridge, 'The 'British System' and its History', pp 7-16; Bewley-Taylor, *The United States and International Drug Control*; Bull; David T. Courtwright, *Forces of Habit: Drugs and the Making of the Modern World*, (Cambridge, MA.: Harvard University Press, 2001); De Kort and Korf, pp. 123-144; Marcel De Kort and Ton Cramer, 'Pragmatism Versus Ideology: Dutch Drug Policy Continued', *Journal of Drug Issues*, Vol. 29: 3, 1999, pp. 473-492; Korf et al., pp. 451-472; Lart, pp. 49-68; William B. McAllister, *Drug Diplomacy in the Twentieth Century: an International History*, (London: Routledge, 2000); Mills, *Cannabis Nation*; Strang and Gossop, pp. 1-6.

<sup>350</sup> Balzacq, 'Triangulation', p. 380.

same time, decolonisation in Asia impacted on the European colonial powers' resistance to US proposals for tighter controls on non-medical drug use. The domestic conceptualisations of 'legitimate' use, the independence of medical and pharmaceutical practitioners to prescribe what they saw fit for their patients, and sympathy – or a lack of it – with those who became dependent on certain drugs, also played important roles in the ways that drug users were perceived and treated, as well as how the Single Convention was incorporated into national laws. With regards to NSDD-221, the Cold War and the Reagan Doctrine, contributed to the identification of drugs as being threatening and the militarised response. The Reagan administration's emphasis on 'family values' as well as high-profile drug deaths, influenced the general public's willingness to accept the message of a zero-tolerance approach of abstinence and criminalisation. It would be difficult to draw out these factors using discourse analysis alone which is why it has been used in conjunction with process-tracing.

## **11. Conclusion**

This chapter has established the theoretical and methodological frameworks that will be used to analyse the securitization of drugs. It has argued the case for using a 'sociological' variant of securitization theory that explores the processes that contributed to the securitizations rather than the original Copenhagen School perspective that is more concerned with the speech act *event*. The 'sociological' interpretation allows for greater emphasis on the context in which the speech acts are made and the practices that accompany, or precede, them. It also incorporates an exploration of the relationship between the *dispositif* and the securitizing moves. Finally, a 'sociological' analysis of securitization gives greater depth to the analysis of the intersubjective relationship between actor and audience, the context in which the speech acts were carried out and the practices that contributed to the securitizations, which have been underdeveloped in the CS version of the theory.

With regard to the drug control *dispositif*, the historical, social and political contexts in which the securitizing moves took place were highly influential in shaping who could speak, what was said and how the audience received the discursive construction of drugs as a threat. The practices that exist within the drug control *dispositif* shaped the boundaries between which forms of drug use were considered acceptable and which were not. This allowed for the identification of threatening forms of drug use, users, producers and traders. Further practices then accompanied the discursive construction of drugs as a threat which hardened the dichotomy between 'good' drug use (medical and scientific) and 'bad' or 'evil' drug use (non-medical/non-scientific) as well creating whole groups of people who were identified as threatening because of their participation in the illicit drug trade. The 'success' of the international drug control system is measured through data that further

constitutes drugs and the people involved in the drug trade as being threatening: for example, measuring the amount of land from which drug crops have been eradicated, recording the amounts of drugs that have been seized by law enforcement, and the number of people arrested for related offences. Within the international drug control system this data takes precedence over health and social care related statistics: despite the preamble of the Single Convention stating that it was “concerned with the health and welfare of mankind”,<sup>351</sup> health-related measures such as (lack of) access to essential medicines and levels of HIV infections and overdoses are not seen as failures of the system; rather, they are portrayed as reasons to maintain and improve the current system.<sup>352</sup>

Though at times in my two case studies it is difficult to clearly identify the actors of the securitizing moves and sometimes the actors and audiences become blurred, both securitizations involved an intersubjective relationship between the various elements of the agent. As will be shown in Chapter Three, in the early twentieth century, during the League of Nations period when the drug control *dispositif* fully came into being, there was contestation over the threat posed by drugs and the form of practices needed to control them. However, by the time of the Single Convention, there was little attempt to challenge the idea that illicit drugs were threatening, the intersubjective relationship at this point focussed on how far to restrict the market and how harshly to treat drug users (see Chapter Four). In the Reagan case study that will be analysed in Chapter Five, again there was little actual challenge about whether drugs were threatening, but there was a live debate over how far the military should participate in overseas drug law enforcement and what powers they should have.

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<sup>351</sup> United Nations, *The Single Convention*, p. 1.

<sup>352</sup> Antonio Maria Costa, *Making Drug Control ‘Fit for Purpose’: Building on the UNGASS Decade*, (Geneva: United Nations Office on Drugs and Crime, 7th March 2008), pp. 10-12.

## Chapter Three

### The Historical Evolution of the Drug Control *Dispositif*

#### **1. Introduction**

Using Foucault's concept of the *dispositif*, this chapter will explore how 'drugs' became the subject of a control-orientated *dispositif* that evolved over time from domestic systems of control in industrialising nations to an international system and one that initially focussed on drugs being dangerous but gradually came to construct drugs as being threatening. In terms of drug control, prohibition is often seen as the norm - that is, as the way drugs have always been controlled. However, until the mid-twentieth century it was not the standard. Opium, cannabis and coca have been used for medical, 'quasi-medical',<sup>353</sup> social and religious purposes for thousands of years. Whilst prohibitions have been enacted in different territories at various times<sup>354</sup> until the mid-nineteenth century, there were few controls placed on the use of such substances other than cultural and social norms.

It has been argued that the fact that international drug policy prohibits some drugs and not others – such as alcohol and tobacco – reflects the power that Europe and the United States had over establishing global norms with regards to recreational substances.<sup>355</sup> However, it should be noted that prohibitions of certain substances have occurred across the world at different points, so it is not accurate to say that drug prohibition is inherently or exclusively an American or European project.<sup>356</sup> Set within a longer historical context, the prohibition of drugs is a relatively recent phenomenon. Before the twentieth century, opiates, cannabis and coca-based products had been used for a wide variety of purposes across spatial and temporal locations, only on occasion being subject to prohibition. Drugs have been prohibited at certain times in different places for religious or moral reasons; for example, alcohol is currently prohibited in countries such as Afghanistan,

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<sup>353</sup> The term 'quasi-medical' use refers to drug consumption to reduce pain or disease that is undertaken without medical supervision such as opium smoking or opium eating. 'Quasi-medical' use of opium and cannabis was common particularly in Asian territories where access to qualified medical practitioners was limited. See, S.K. Chatterjee, *Legal Aspects of International Drug Control*, (The Hague: Martinus Nijhoff Publishers, 1981), pp. 337 & 370.

<sup>354</sup> Windle, 'How the East Influenced Drug Prohibition', pp. 1189-91.

<sup>355</sup> Nadelmann, p. 511; Andreas and Nadelmann, p.45.

<sup>356</sup> Windle, 'How the East Influenced Drug Prohibition', pp. 1185-1199.

Libya, Saudi Arabia, Somalia and Sudan on religious grounds,<sup>357</sup> as was opium in South East Asia during 1600-1800s.<sup>358</sup> Drugs have also been prohibited because they are seen as 'new' and 'foreign', such as tobacco in the Russia and German empires in seventeenth century<sup>359</sup> and opium in the US in late nineteenth/early twentieth centuries.<sup>360</sup> However, there have been other, alternative options for controlling psychoactive substances such as regulation, licensing and taxation, such as we see for alcohol and tobacco now or opium in the European Asian colonies in the early twentieth century.

The purposes of this chapter are to show how the drug control *dispositif* evolved in its early forms and also to establish, through analysis of the League of Nations treaties, the broad social and historical context in which the Single Convention should be understood. The chapter also analyses the early development of the 'global self' as a referent object. This chapter will show that in the early phase of the drug control *dispositif*, the controls proposed related to improving the quality of substances and licensing the distributors, with little regard for who was using these drugs and for what purposes. However, as moral and political entrepreneurs – particularly in the US – started to argue that drug use, including alcohol use, was a moral failing that also negatively affected a persons' ability to participate in the economy and society, the issue of what forms of drug use should be acceptable became much more prominent. From the beginning of the twentieth century, the US argued that the only legitimate forms of drug use were medical and scientific uses. Whilst industrialising nations established some controls on drug use at home, the European colonial powers instituted opium monopolies abroad, arguing that regulatory systems could be as successful as prohibitions in reducing and managing opium use. Furthermore, those states that had well-developed pharmaceutical industries also had an interest in preventing overly restrictive regulations that could inhibit the growth of their business. As this chapter will show, throughout the League of Nations period various states challenged the US interpretation of what constituted 'legitimate' drug use and US insistence that prohibition was the only acceptable form of drug control. Nevertheless, certain forms of drug use began to be framed as dangerous and then potentially threatening,

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<sup>357</sup> Basma Al-Ansari, Anne-Marie Thow, Carolyn A. Day and Katherine M. Conigrave, 'Extent of Alcohol Prohibition in Civil Policy in Muslim Majority Countries: the Impact of Globalization', *Addiction*, Vol. 111; 10, 2015, p. 1707.

<sup>358</sup> Windle, 'How the East Influenced Drug Prohibition', pp.1189-91.

<sup>359</sup> Pryce, p. 603.

<sup>360</sup> Windle, 'How the East Influenced Drug Prohibition', p.1187; Reinarmann, p.157.



particularly to Western notions of identity and security, and so the 'drugs as a threat' discourse was born.

## 2. The development of the drug control *dispositif*

As discussed in Chapter Two, the *dispositif* is a system of relations that connects different practices together.<sup>361</sup> The *dispositif* under analysis in this thesis is one of the control of drugs (and drug users, producers and traffickers). Within the *dispositif* various "formations of power, such as law and coercion, surveillance and discipline, government and biopolitics"<sup>362</sup> can be identified and as these power formations compete for dominance, they produce "ruptures"<sup>363</sup> that can reorient the *dispositif*. This is not to say that as one power formation took precedence, the others ceased to play a part - they continued to function within the *dispositif*, but their ability to shape the *dispositif* waned.

Since the mid-nineteenth century a range of different policy tools have been used to control drugs: regulatory systems, prohibitionist systems and prescription regimes. Regulatory systems include quality controls, labelling, licensed sales, taxation, age controls and where and when substances can be purchased and consumed. Prohibitionist systems strictly limit access to the substance and in their purest form ban access to the substance altogether, such as heroin use in the United States. Prescription regimes, which can exist within a prohibitionist or regulatory system, allow a user to access specific substances only with permission from an authorised - usually medical and or pharmaceutical - practitioner.<sup>364</sup> The drug control *dispositif*, and the international drug control system that has come to reinforce it therefore, encompasses diverse practices ranging from pharmaceutical regulations, medical practices and trade policies to law enforcement practices, customs and border controls, military and intelligence activities. These are combined with discursive strategies that continually reinforce the idea that drugs are dangerous or threatening and, therefore, must be controlled.

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<sup>361</sup> Balzacq, 'A Theory of Securitization', p. 15; Herschinger, 'The Drug *Dispositif*', p. 186.

<sup>362</sup> Ondrej Ditrych, 'From Discourse to *Dispositif*: States and Terrorism between Marseille and 9/11', *Security Dialogue*, Vol. 44: 3, 2013; p. 233.

<sup>363</sup> Gilles Deleuze, 'What is a *Dispositif*?' in *Michel Foucault Philosopher*, ed. by T.J. Armstrong, (Hemel Hempstead: Harvester Wheatsheaf, 1992), pp. 159-168.

<sup>364</sup> MacCoun and Reuter, pp. 310-317; Stephen Rolles, *After the War on Drugs: Blueprint for Regulation*, (Bristol: Transform Drug Policy Foundation, 2009), pp. 15-27.

Opium, cannabis and coca have been used for millennia and for much of this time there were few controls placed on their production and use. It is thought that opium originated around the Mediterranean and the earliest record of its use was in the Sumerian empire around 4000 BC, where it was referred to as the 'plant of joy'.<sup>365</sup> By the second century BC the Egyptians and Persians were using it to treat patients and later Hippocrates noted its healing properties.<sup>366</sup> Galen (AD 130-200) noted what may be the first recorded incidence of opium overdose and by the eleventh century AD Arabic doctors had become aware of opium's dependence-producing properties, although these were outweighed by its medical uses.<sup>367</sup> Opium was subject to prohibition at various times in Asia: the first opium prohibition was instituted in Thailand in 1360,<sup>368</sup> other Asian countries followed, with Japan carrying out opium prohibition in 1600, Vietnam in 1665, China in 1729 and Burma in 1781.<sup>369</sup> These prohibitions were largely influenced by moral and religious entrepreneurs who believed that opium use undermined Buddhist or Confucian (in China) ideals such as the goal of enlightenment.<sup>370</sup> These opium prohibitions were not permanent, but came and went according to political will and external pressures.<sup>371</sup> Furthermore, these states either did not desire to, or did not have the power to, impose their perspectives on other territories.

Like opium, cannabis has been used in societies for medical and socio-religious reasons for centuries. Cannabis is thought to have originated in Central Asia and has historical uses in China and India dating back for thousands of years.<sup>372</sup> Herodotus, writing in the fifth century BC, mentions people using cannabis in social situations and early Arab writers do too, but it is possible that use predates this considerably, as it has been argued that cannabis is referenced in the Old Testament of the Bible.<sup>373</sup> Cannabis grew in popularity throughout Islamic societies, and was used by Sufi mystics as part of their worship.<sup>374</sup> However, in India and North Africa, cannabis use also had negative

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<sup>365</sup> Bull, p.4.

<sup>366</sup> Bull, p.4.

<sup>367</sup> Bull, p.4; Courtwright, p.32.

<sup>368</sup> Windle, 'How the East Influenced Drug Prohibition', p.1189.

<sup>369</sup> Windle, 'How the East Influenced Drug Prohibition', pp.1189-91.

<sup>370</sup> Windle, 'How the East Influenced Drug Prohibition', p.1189.

<sup>371</sup> Windle, 'How the East Influenced Drug Prohibition', pp. 1189-1191.

<sup>372</sup> Courtwright, p.39.

<sup>373</sup> Courtwright, p.40.

<sup>374</sup> Courtwright, p.40.

connotations and there was a belief that it could cause psychotic episodes.<sup>375</sup> The British taxed the cannabis trade in India and experimented with its medical properties.<sup>376</sup> Though British studies from mental asylums in India led to a fear that use of the drug caused insanity,<sup>377</sup> the Indian Hemp Drug Commission concluded that moderate or occasional use could be beneficial and only heavy usage had negative effects.<sup>378</sup>

Coca use also has a long history; there is evidence of coca chewing in the eastern Andes dating back to 3000 BC.<sup>379</sup> It was, and is still, used to prevent hunger and fatigue and for medical reasons, especially at high altitudes.<sup>380</sup> The Spanish tolerated coca use in their South American colonies and attempted to transport it back to Europe; however, the trade did not take off because the coca leaves rarely survived the long sea journey.<sup>381</sup> Cocaine was isolated from the coca leaves in 1860 and, shortly afterwards, the pharmaceutical company Merck began to produce it on a large scale which led to the drug becoming popular both for medical and recreational purposes.<sup>382</sup> In 1878 the Dutch transported coca bushes to the Dutch East Indies in order to develop a reliable supply for the production of cocaine.<sup>383</sup> Drinks companies began manufacturing cocaine-based tonics and as the popularity of these drinks increased, these companies, including Coca Cola, encouraged exploring the therapeutic possibilities of cocaine,<sup>384</sup> but even in the late nineteenth century there was a growing awareness of cocaine dependence.<sup>385</sup>

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<sup>375</sup> Norman Taylor, 'The Pleasant Assassin: The Story of Marijuana', in *The Marijuana Papers*, ed. by David Solomon, (London: Granada Publishing Ltd, 1972), p.34; George Morris Carstairs, 'Bhang and Alcohol: cultural factors', in *The Marijuana Papers*, ed. by David Solomon, (London: Granada Publishing Ltd, 1972), p.137; Mills, *Cannabis Britannica*, pp. 11-12.

<sup>376</sup> Mills, *Cannabis Britannica*, pp. 3-5.

<sup>377</sup> Mills, *Cannabis Britannica*, p. 4.

<sup>378</sup> Government of India, 'Chapter X: Effects – General Observations, point 477', *Report of the Indian Hemp Drugs Commission 1893-94*, (Calcutta: Government of India, March 1895).

<sup>379</sup> Courtwright, p.46.

<sup>380</sup> Courtwright, p.46.

<sup>381</sup> Courtwright, p.46.

<sup>382</sup> Courtwright, p.47.

<sup>383</sup> De Kort and Korf, pp. 131-132.

<sup>384</sup> Courtwright, p.48.

<sup>385</sup> Courtwright, pp.50-51.

The drug control *dispositif* began to evolve independently in European and North American states in the late nineteenth century. In the twentieth century, this *dispositif* of control was gradually internationalised through the League of Nations and then United Nations drug control treaties. Within the evolution of the drug control *dispositif*, one can identify different ‘strategic functions’ that overlap with one another and at times reorient the *dispositif*. Initially, in the mid-nineteenth century the predominant power formation was that of governmentality and biopolitics and it functioned through the collection of statistics and the licensing of distributors. During the early twentieth century, the *dispositif* was reoriented with law and coercion becoming the primary power formation, which functioned through trade restrictions and criminal laws. The predominant power formation evolved yet again, as we shall see later on in this thesis (Chapters Four and Five), in the latter half of the twentieth century, as the *dispositif* became shaped by the securitization(s) of drugs. However, alongside these primary power formations were changing moral and social norms that at various points also played a significant role in the evolution of the drug control *dispositif*. The perceived nature of drugs also evolved within the *dispositif*. Initially, they were seen as being dangerous but gradually they became constructed as being threatening to both humankind and the nation state therefore became securitized. The shifts in how drugs were controlled can be seen in British drug policy, which has been described as passing through three phases: the ‘lay/commercial system’ whereby drugs were freely available, the pharmaceutical system which came into being with the Pharmacy Act of 1868, and the ‘medico-penal’ or ‘British system’ which was introduced under the Defence of the Realm Act (DORA) of 1916 and was formalised by the 1920 Dangerous Drugs Act and the 1926 Rolleston Committee.<sup>386</sup> The ‘British System’ will be discussed in more detail below in comparison to the US Harrison Act to highlight some of the different interpretations of the term ‘legitimate medical practice’.

## 2.1. Governmentality and biopolitics: statistics and licensing

Foucault argues that during the sixteenth and seventeenth centuries modes of power over subjects and bodies evolved into ‘governmentality’ and ‘biopolitics’.<sup>387</sup> As is discussed below, these changes in how populations were managed during the nineteenth century, led to drugs becoming ‘governmentalised’ and drug users becoming subject to ‘biopolitics’ through regulatory controls.

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<sup>386</sup> Berridge, ‘The ‘British System’ and its history’, pp. 7-8.

<sup>387</sup> Foucault, *The Foucault Effect*, pp. 87-88; Michel Foucault, ‘Right of Death and Power Over Life’, in *The History of Sexuality, Volume 1: An Introduction*, trans. by Robert Hurley, (New York: Pantheon Books, 1978), pp. 140-141.

Though the opium trade flourished in Asia, by the nineteenth century most of the trade was controlled by European states in their Asian colonies.<sup>388</sup> These states, particularly France and Britain, but also the US, actively tried to undermine the opium prohibitions, especially in Vietnam, Burma and China.<sup>389</sup> Indeed, Britain went to war with China twice, in 1839-1842 and 1856-1860, in order to force the Chinese government to allow them to sell their opium in the country.<sup>390</sup> In the 1720s the East India Company was exporting about 15 tons of opium to China. By 1850 this had grown to 3200 tons, transforming opium from a luxury item to an ordinary commodity on a par with coffee, tea and cacao,<sup>391</sup> and by the mid-nineteenth century London had become the centre of the global opium trade.<sup>392</sup>

The use of opiates, whether poppy-head tea, laudanum or opium, was common in Western society by the nineteenth century.<sup>393</sup> With limited access to medical practitioners, self-medication - or 'quasi-medical' use - was common and therefore opiates were used for a wide range of common ailments from sleeplessness to stomach complaints, as well as to soothe children and as a stimulant for the working classes.<sup>394</sup> The fact that use of opiates was extremely common, and that these substances could lead to dependency and accidental poisoning (overdose), gradually came to be recognised through the collection of statistical data, such as death certificates, life expectancy and mortality rates.<sup>395</sup> The growing awareness of accidental poisoning and the risk of dependency brought concerns over the adulteration, sale and use of patent medicines, many of which contained opium.<sup>396</sup> Recognition that these substances could have negative effects, as well as beneficial ones, brought them into being as dangerous substances, leading to the idea that they needed to be controlled in some form.

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<sup>388</sup> Bull, p.5.

<sup>389</sup> Windle, 'How the East Influenced Drug Prohibition', p.1192.

<sup>390</sup> James Windle, *Suppressing Illicit Opium Production: Successful Intervention in Asia and the Middle East*, (London: I.B. Taurus, 2016), p. 14; Berridge, *Opium and the People*, p.3.

<sup>391</sup> Bull, p.6.

<sup>392</sup> Bull, p.6.

<sup>393</sup> Bull, p.8.

<sup>394</sup> Berridge, 'The 'British System' and its History', p. 8; Bull, p.8; Berridge, *Opium and the People*, pp. 97-98, pp. 105-109; Courtwright, p. 180.

<sup>395</sup> Bull, pp.24-30; Lart, p. 50.

<sup>396</sup> Bull, p. 25.

Concomitantly to the growing awareness of the risks of opiates, the pharmaceutical industry began to develop new psychoactive substances: morphine was isolated from opium in 1805 and then commercially manufactured by German pharmaceutical company Merck from 1827 onwards.<sup>397</sup> Diamorphine (heroin) was developed in 1874 at St Mary's Hospital in London and then commercially manufactured by Bayer, another German firm, in the 1890s.<sup>398</sup> These more potent forms of the drugs, along with the invention of the hypodermic syringe in 1855,<sup>399</sup> further contributed to a growing awareness of the potential for dependency and overdose.<sup>400</sup>

Another factor in the growing body of knowledge of opiates in particular, but also of coca-based products and other psychoactive substances,<sup>401</sup> was the gradual professionalisation of doctors and pharmacists. Professional bodies of doctors and pharmacists were being formed in states across the industrialising world<sup>402</sup> and as part of this professionalisation, these practitioners wanted jurisdiction over dispensing and prescribing drugs.<sup>403</sup> Therefore these organisations pushed for the regulation of patent medicines and opium-based remedies, such as limiting sales to only those products that were approved by medical bodies, addressing adulteration and restricting the advertising of such tonics.<sup>404</sup> France instituted their first patent medicines act in the late eighteenth century.<sup>405</sup> Similar legislation

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<sup>397</sup> Courtwright, p. 36.

<sup>398</sup> Berridge, *Opium and the People*, p. xx.

<sup>399</sup> Courtwright, pp.36-37.

<sup>400</sup> Bull, p.11.

<sup>401</sup> Such as chloral, chloroform and nitrous oxide.

<sup>402</sup> France formalised these professions earlier than other nations: in the late 18<sup>th</sup> and early nineteenth centuries with the Royal Society of Medicine being established in 1778 and the law of Germinal in 1803 authorising that only pharmacists could complete prescriptions written by licensed medical practitioners. See, E. Frey, 'The regulation of patent medicines in the United States and France', *Histoire Des Sciences Medicales*, Vol.17, 1982, p. 244; In Britain, in 1841 the Pharmaceutical Society was formed and in 1852 the Pharmacy Act established examinations to formalise the pharmaceutical profession. The medical profession underwent a similar process at the same time, under the Medical Act of 1858 the General Medical Council was formed and a list of medical practitioners was drawn up. See, Berridge, *Opium and the People*, pp. 113-115; The professionalisation of these trades was also occurring in the United States, with the American Medical Association established in 1847 and the American Pharmaceutical Association in 1852. See, Frey, p. 245; Musto, pp. 56-58.

<sup>403</sup> Berridge, *Opium and the People*, pp. 113-115; Musto, pp. 56-58; Bull, pp. 28-29.

<sup>404</sup> Frey, pp. 244-246.

<sup>405</sup> Frey, p. 244.

was introduced in the UK with the Sales of Poisons Act of 1857<sup>406</sup> and in the US after the American Civil War.<sup>407</sup> The UK's Pharmacy Act of 1868 created a system of registration for all those allowed to legitimately sell these products.<sup>408</sup> It is important to emphasise here that the laws regulating patent medicine and 'poisons' were concerned with the availability and quality of substances as well as licensing those that distributed them, rather than who used them and for what purposes.<sup>409</sup> This stage can be seen as the beginning of the drug control *dispositif* and the strategic function was to monitor and manage citizens' drug use as well as reinforce the power of the medical and pharmaceutical professions to control access to these substances. At this stage the dominant power formation was governmentality and biopolitics through the collection of statistics and the introduction of professional registrations and operating licenses.

## 2.2. Surveillance and discipline: Moral and social controls

At the same time as awareness was increasing about the use of drugs and the fact that some of them led to dependency and occasionally accidental poisoning, the Temperance movement was growing in the US and Britain. Temperance societies encouraged the concept of sobriety in relation to alcohol and opiates, as well as the idea that dependence on psychoactive substances was a moral rather than physical failing.<sup>410</sup> This led to moral and social approbation for those deemed 'under the influence' of substances such as alcohol and opiates. There was a concern that over-indulgence of psychoactive substances could inhibit a persons' ability to fully function in society, and that users would become enslaved by drugs.<sup>411</sup> Furthermore, as medical professionals began to understand the spread of contagious diseases and became aware of mental health as separate to physical health, these concepts of 'contagion', 'madness' and immorality were applied to the misuse of drugs.<sup>412</sup> These ideas continued to be evident during the drafting of the Single Convention where it was argued that "drug addiction was contagious in the sense that the addict tended to convert others to his morbid habit"<sup>413</sup>

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<sup>406</sup> Bull, pp.21-31; Musto, pp.56; Berridge, *Opium and the People*, pp. 113-116; De Kort and Korf, pp. 126-127.

<sup>407</sup> Frey, p. 245.

<sup>408</sup> Berridge, *Opium and the People*, p. 116.

<sup>409</sup> Berridge, *Opium and the People*, p. 113.

<sup>410</sup> Berridge, *Opium and the People*, p. 154; Courtwright, p. 175; Bull, p.37.

<sup>411</sup> Courtwright, pp. 174-176; Berridge, *Opium and the People*, pp. 154-155; Bull, pp. 33-35.

<sup>412</sup> Lart, p. 52; Epstein, pp. 30-31.

<sup>413</sup> USA representative, as quoted in, United Nations, *Official Record of the United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs. Volume I: Summary Records of the Plenary Meetings*, E/CONF.34/24-e, (New York: United Nations, 1964), p. 103.

and that addicts were likely to “corrupt” those around them.<sup>414</sup> It has also been argued that another reason for an increased emphasis on sobriety was that as societies became more bureaucratised and industrialised drug use (including alcohol use) became more of a problem within the workforce.<sup>415</sup> The emphasis on sobriety began to shift discourses on drugs from being concerned with the quality of substances to controlling access to them as well as who used them and why. This was the start of a reorientation of the drug control *dispositif*.

Moral norms surrounding drug use have fluctuated in importance throughout the drug control *dispositif*, and have, at times, played a crucial role in contributing to the construction of drugs and drug users as firstly dangerous and then as threatening, as we shall see later in Chapters Four and Five. The idea that substance use could hinder self-fulfilment and prevent the user from functioning in society was not new and can be seen across temporal and spatial locations. For example, these ideas were used as a reason to prohibit opium in Asia during the 1600-1800s<sup>416</sup> and emphasised in many emancipation movements ranging from the Russian Bolshevik Revolution to the Indian freedom movement that called for alcohol and opium prohibitions.<sup>417</sup>

In industrialising nations, particularly the US, drug users became identified as the ‘other’ and therefore began to be viewed with increased hostility. In the early years of the twentieth century, drugs were often associated with ‘other’ races but in the 1960s and 1970s, the drug using ‘other’ also included the working classes and ‘deviant’ sub-cultures such as ‘hippies’.<sup>418</sup> This shift in perception of drug users coincided with changes in using populations. It has been argued that “these drugs [opiates and cocaine] had been widely used for years, but were first criminalized [in the US] when the addict population began to shift from predominantly white middle-class, middle-aged women to young, working class males, African-Americans in particular.”<sup>419</sup> A similar pattern was seen in Britain,

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<sup>414</sup> Indian representative E/CONF.34/24-e, p. 106.

<sup>415</sup> Courtwright, p.178.

<sup>416</sup> Windle, ‘How the East Influenced Drug Prohibition’, pp.1189-91.

<sup>417</sup> Mark Lawrence Schrad, *The Political Power of Bad Ideas: Networks, Institutions, and the Global Prohibition Wave*, (Oxford: Oxford University Press, 2010), p. 8; David M. Fahey and Padma Manian, ‘Poverty and Purification: The Politics of Gandhi’s Campaign for Prohibition’, *The Historian*, Vol. 67: 3, 2005, pp. 489.

<sup>418</sup> Strang and Gossop, p. 3; Dirk J. Korf, Heleen Riper, Bruce Bullington, ‘Windmills in Their Minds? Drug Policy and Drug Research in the Netherlands’, *Journal of Drug Issues*, Vol. 29 :3, 1999, pp-453-454; Marcel De Kort, Ton Cramer, Pragmatism Versus Ideology: Dutch Drug Policy Continued, *Journal of Drug Issues*, Vol. 29: 3, 1999, pp. 478-479; Baum, *Smoke and Mirrors*, p. 8; Courtwright, pp. 44-45.

<sup>419</sup> Reinarmann, p.158.



although not until the 1960s, when the drug using populations shifted from being largely middle class, middle aged women and professional men to young working-class men.<sup>420</sup> Similar patterns of racist and xenophobic scare stories can also be seen in Britain and the US. In 1920s Britain, newspapers reported stories of young white women being lured into death or degradation by Chinese men offering them cocaine and opiates;<sup>421</sup> in the US, it was claimed that cocaine made black men impervious to bullets and facilitated their seduction of young white women.<sup>422</sup> This ‘othering’ of drug users and drug dealers led to these people and the substances that they used being identified as threatening.

At the same time, France, Britain, Spain, Portugal and the Netherlands all had Asian colonial territories<sup>423</sup> where opium was commonly used for medical, ‘quasi-medical’ and recreational purposes. The common usage of opium in their colonial territories led the European states to establish opium monopolies in their Asian territories in order to control the trade.<sup>424</sup> Furthermore, most of these states, along with Germany, Sweden and Switzerland, had well-developed pharmaceutical industries that relied on easy access to raw materials.<sup>425</sup> Therefore, the European states had economic interests to protect when considering how drugs should be controlled. Despite these vested interests abroad, by the end of the nineteenth century, industrialising states were turning against the domestic use of opium, cannabis and coca. During this period, the use of these drugs in European and North American states gradually became constructed as dangerous and in need of some form of control.

### **2.3. Law and coercion: international trade laws and criminalisation**

Whereas in the nineteenth century, industrialising nations were introducing controls on drugs independently, in the early twentieth century, the US argued that drug control was an international issue. Under the League of Nations, a series of international drug conventions were instituted that

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<sup>420</sup> Strang and Gossop, p. 3.

<sup>421</sup> Kohn, p.127; Berridge, *Opium and the People*, pp.260-261.

<sup>422</sup> Musto, p.7, Johann Hari, *Chasing the Scream: The First and Last Days of the War on Drugs*, (London: Bloomsbury Circus, 2015), pp. 26-27.

<sup>423</sup> Such as Hong Kong, the Straits Settlements, the Federated Malay States, British India and Burma, Macau, Indochina and the Dutch East Indies.

<sup>424</sup> N. J. Miners, ‘The Hong Kong Government Opium Monopoly, 1919-1941’, *The Journal of Imperial and Commonwealth History*, Vol. 9: 3, 1983, pp. 275-299; De Kort and Korf, p. 125; Julia Buxton, *The Political Economy of Narcotic Drugs: Production, consumption and global markets*, (London: Zed Books, 2006), pp. 7-13.

<sup>425</sup> Buxton, *The Political Economy of Narcotic Drugs*, pp. 7-13

gradually tightened up the manufacture and trade in drugs. Analysing the League of Nations treaties is important in order to understand how the 'drugs as threat' discourse developed, because it was during this period that the dichotomy between licit and illicit drug trafficking and use was established and the issue of what was considered 'legitimate medical practice' became highly contentious. It was these concepts of illicit drug trafficking and use that brought into being these threatening forms of use, and associated with this, people who were threatening because they used such substances in illegitimate ways. This laid the groundwork for the securitization(s) of drugs which will be analysed in more detail in Chapters Four and Five and led to a gradual acceptance that non-medical/non-scientific forms of drug use needed to be prohibited. It was also during the League of Nations period that the drug control *dispositif* became formalised and internationalised through the international drug control system that was devised to deal with the drug trade from the beginning of the twentieth century to the end of World War II.

During the last years of the nineteenth century, the trade in opium became a source of concern outside of Asia. The British Quakers and then American and British missionaries raised the issue of the opium trade and addiction and pressed their governments to do something about it.<sup>426</sup> The US government, keen to establish trading partnerships with China as well as under pressure from religious groups at home, took up the call to address the opium trade.<sup>427</sup> The US therefore called a meeting in Shanghai of the European colonial powers and other Asian states in 1909 in order to discuss the opium trade.<sup>428</sup> The US representatives argued that the use of opiates should be restricted to medical and scientific purposes only. The Shanghai Opium Commission paved the way for the future drug control treaties and represents a 'rupture' and reorientation of the drug control *dispositif* because from this time onwards, the focus began to shift away from quality and distribution controls to what forms of drug use were acceptable as well as how the trade should be managed on an international level. By identifying forms of drug use that were not acceptable, the US laid the foundations for development of the 'drugs as a threat' discourse within the drug control *dispositif*.

However, European states were reticent to commit to ending non-medical use of drugs in their colonies, particularly opium smoking, which they saw as acceptable for their colonial subjects.<sup>429</sup> Britain, the Netherlands, France, Portugal and Germany all had economic interests in the opium trade

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<sup>426</sup> Bull, p.37; Berridge, *Opium and the People*, pp.175; Courtwright, p.182.

<sup>427</sup> McAllister, p.27; Musto, p.30; Courtwright, p.183; Bull, p.70.

<sup>428</sup> There were 12 states invited to the Shanghai Opium Commission: The US, Austria-Hungary, China, France, Germany, Great Britain, Italy, Japan, the Netherlands, Persia, Portugal, Russia and Siam.

<sup>429</sup> McAllister, p. 29; De Kort and Korf, p. 127.

whether via opium production and monopolies in their Asian territories or a burgeoning pharmaceutical industry, and therefore wanted to protect these activities.<sup>430</sup> The Americans saw drug use, particularly the use of opiates, as being threatening and that users were immoral and criminal.<sup>431</sup> However European states, such as Britain and the Netherlands, by contrast, saw drugs more as a medical or social issue rather than a criminal one.<sup>432</sup> Despite the differences in how they conceptualised the 'drug problem', many industrialised states, such as France, the US, UK and Netherlands, introduced domestic legislation to limit access to heroin, cocaine and cannabis in the early years of the twentieth century.<sup>433</sup>

*The 'British System' and the US Harrison Act: a comparison of competing interpretations and practices*

A short examination of the evolution of drug policy in the US and Britain in the early twentieth century is useful, at this point, because the alternative ways in which each country viewed the maintenance of dependent drug users and the role of medical professionals in this maintenance are illustrative of their different approaches to drug control. It was during this period that the US became committed to the idea that 'legitimate use' of drugs applied only to a narrow conceptualisation of medical and scientific purposes, a position that was not accepted in Britain. It was also at this time that the US began to experiment with the prohibition of alcohol and other drugs.

Prior to The Hague Opium conference of 1912, the US had no federal drug laws, so after the conference a decision was made to rectify this situation.<sup>434</sup> It was hoped that by instituting a strict federal law, this could be used as a model for other states.<sup>435</sup> The Harrison Act of 1914 became the first federal law to criminalise drug use,<sup>436</sup> and it was argued that the act was necessary under the

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<sup>430</sup> De Kort and Korf, p. 125; Buxton, *The Political Economy of Narcotic Drugs*, pp. 7-13.

<sup>431</sup> Musto, p. 201.

<sup>432</sup> Lart, p. 49; Korf et al., p. 473.

<sup>433</sup> For example, France introduced controls on cocaine and heroin in 1908. See, Howard Padwa, 'Anti-Narcotic Nationalism in Britain and France, 1866-1916', *Social History of Alcohol and Drugs*, Vol.22: 2, Spring, 2008, p. 181; the United States introduced the Harrison Act, the first federal drug control law, in 1914. See, Reinarmann, p. 158; Musto, p. x; Britain introduced controls on cocaine and opiates under the Defence of the Realm (DORA) wartime legislation in 1916. See, Kohn, p. 29; Berridge, *Opium and the People*, p. 248; the Netherlands followed in 1919 with the Opium Act. See, Korf et al., p. 473; De Kort and Korf, p. 124).

<sup>434</sup> Musto, p. x.

<sup>435</sup> Bull, p. 70; Musto, p. 247.

<sup>436</sup> Campbell, p. 199.

1912 Hague Opium Convention.<sup>437</sup> The Harrison Act stipulated that everyone involved in the distribution of drugs had to be registered, pay tax and keep detailed records.<sup>438</sup> The law was to be enforced by the Bureau of Internal Revenue, a section of the Treasury Department.<sup>439</sup> The right of physicians to prescribe drugs as they thought appropriate was clearly stated in the act.<sup>440</sup> However, when the Treasury Department issued enforcement guidelines in January 1915, these were far stricter than expected. Medical professionals were to be the only source of licit drugs and through the necessity of keeping detailed records, it became far easier to monitor their prescribing practices.<sup>441</sup> Furthermore, the regulations made a distinction between a 'normal dose' and a 'maintenance dose' and pharmacists were expected to review all prescriptions.<sup>442</sup> The Harrison Act expected doctors who prescribed substances to dependent users to gradually reduce the dose and therefore it aimed to strictly regulate, and eventually prohibit, the medical practice of prescribing for the maintenance of addicts.<sup>443</sup>

The Federal Court initially disagreed with the Treasury Department's interpretation that the act limited the ability of the medical practitioner to prescribe as they saw appropriate.<sup>444</sup> In 1916 the US Supreme Court supported the view of the lower courts that the Harrison Act was a revenue act and should not interfere with the rights of doctors to treat their patients. However, by 1919, they had changed their view and accepted the Treasury Department's far stricter interpretation.<sup>445</sup> Throughout the 1920s this interpretation was questioned and a number of cases were brought to the Supreme Court that either challenged or upheld the strict reading of the Harrison Act.<sup>446</sup> These cases eventually led, in 1928, to the Supreme Court accepting the Treasury Department's interpretation that

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<sup>437</sup> Musto, p. 63.

<sup>438</sup> Bull, pp. 71-72; Musto, p. 59.

<sup>439</sup> Bull, p. 72; Musto, p. 59.

<sup>440</sup> Bull, p. 72; Musto, p. 92.

<sup>441</sup> Bull, p. 72; Musto, p. 93.

<sup>442</sup> Bull, p. 73.

<sup>443</sup> Bull, p. 73; Musto, p. 65.

<sup>444</sup> Bull, p. 73; Hari, p. 37.

<sup>445</sup> Bull, pp. 73-74; David Bewley-Taylor and Martin Jelsma, 'The Internationalization of the War on Drugs: Illicit Drugs as a Moral Evil and Useful Enemy', in *Selling US Wars*, ed. by Achin Vanaik (Gloucestershire: Arris Books, 2007), p. 274; Musto, pp. 246-247.

<sup>446</sup> Bull, p. 74.

'legitimate medical practice' did not include the maintenance of addicts.<sup>447</sup> This led to thousands of doctors being prosecuted for prescribing maintenance doses to their patients.<sup>448</sup>

It has been argued that the shift in legal opinion away from maintenance prescribing was partly shaped by America's entry into World War I and the fear that drugs were undermining the war effort, as well as concerns about the threat posed by Bolsheviks and anarchism to American society as drug use became associated with anti-American sentiment.<sup>449</sup> However, it is important to also note that the Harrison Act of 1914 was quickly followed by the Volstead Act, and the 18th Amendment, that prohibited alcohol production, sale and transportation.<sup>450</sup> Within the US, prohibition of alcohol and other drugs was seen as the best way to control these substances and although alcohol prohibition only lasted until 1933,<sup>451</sup> the federal government remained committed to prohibiting opiates, cocaine and cannabis.

Although many similar concerns were raised in Britain as in America, the outcomes were very different. Medical professionals retained their right to prescribe substances as they saw appropriate and were free from governmental interventions. This became described as the 'British System', although it has been pointed out that this is not a clearly defined term,<sup>452</sup> or indeed a 'system' in the true sense.<sup>453</sup> Under the 'British System', drug addiction was viewed as an illness and therefore medical professionals were allowed the freedom to prescribe substances, most commonly opiates but in the early years also cocaine and amphetamines, to dependent users.<sup>454</sup> During World War I fears that drug use - particularly cocaine - by soldiers was undermining their capacity to defend the nation, led to cocaine becoming a prescription drug under the 1916 Defence of the Realm Act (DORA).<sup>455</sup> In

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<sup>447</sup> Bull, p. 74; Musto, p. 188.

<sup>448</sup> Hari, p. 38.

<sup>449</sup> Bull, pp. 74-75; Musto, p. 246.

<sup>450</sup> Bewley-Taylor and Jelsma, 'The Internationalization of the War on Drugs', p. 275; Musto, pp. 65-67; Buxton, *The Political Economy of Narcotic Drugs*, pp.23-24.

<sup>451</sup> The Volstead Act was overturned by the Twenty First Amendment to the US Constitution which ended federal alcohol prohibition.

<sup>452</sup> Strang and Gossop, p. 1.

<sup>453</sup> Trevor Bennett, 'The British Experience with Heroin Regulation', *Law and Contemporary Problems*, Vol. 51: 1, 1988, p. 300.

<sup>454</sup> John Witton, Francis Keaney, John Strang, 'They Do Things Differently Over There: Doctors, Drugs, and the "British System" of Treating Opiate Addiction', *The Journal of Drug Issues*, Vol. 35, 2005, pp. 779-780.

<sup>455</sup> Witton et al., pp. 300-301.

1920 after the 1912 Hague Opium Convention came into international law, the British government drew up the Dangerous Drugs Act which formalised the system of prescription access to cocaine and extended this to heroin and morphine as well.<sup>456</sup>

The Home Office, however, felt that criminal laws could be used to eliminate drug addiction and looked at the US Harrison Act as a potential model for British drug policy, deciding that a review of the 'British System' was necessary.<sup>457</sup> This led to the establishment of the Rolleston Committee to review whether maintenance prescriptions were legitimate medical practice. The Rolleston Report of 1926 stated that the prescription of drugs to dependent users was "legitimate medical treatment"<sup>458</sup> and so reinforced the 'British System' and medical professionals' freedom to treat their patients as they saw fitting.<sup>459</sup> This was in direct contrast to the US Supreme Courts' decision in 1928 to curtail the right of medical professionals to prescribe substances for maintenance. Whilst the 'British System' allowed the use of drugs if they had been prescribed, it has been described as a 'medico-penal' system<sup>460</sup> because those that did not have a prescription for the use of these substances could be criminalised.

This system still exists within British law today, although heroin prescription is less common, with more people being prescribed the synthetic opiate methadone.<sup>461</sup> The 'British System' was allowed within the international drug conventions because it framed prescribing drugs to dependent users as a form of medical use and non-medical use was criminalised. However, within British drug policy, treatment and control should be seen as interconnected facets<sup>462</sup> of the drug control *dispositif*. Medical knowledge is fundamental to the evolution of disciplinary power because it shapes understandings of people as individuals and populations as collective bodies,<sup>463</sup> just as criminal laws establish the bounds of acceptable behaviour for citizens within the state.

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<sup>456</sup> Witton et al., p. 301.

<sup>457</sup> Berridge, 'The 'British System' and its History', p. 12.

<sup>458</sup> Quoted in Bennett, p. 301; Witton et al., p. 781.

<sup>459</sup> Strang and Gossop, p. 1.

<sup>460</sup> Berridge, 'The 'British System' and its History', p. 7.

<sup>461</sup> Lart, pp. 64-65.

<sup>462</sup> Lart, p. 49.

<sup>463</sup> Lart, p. 51.

### 3. The ‘foundational treaties’: cooperation, control and threat

This section charts the evolution of the internationalised drug control *dispositif* through the ‘foundational treaties’<sup>464</sup> that include the Shanghai Opium Commission, The Hague Opium Convention and the League of Nations conventions. It will explore the arguments for and against strict international controls, the importance of ‘legitimate use’ as a facet of the ‘drugs as a threat’ discourse, the establishment of expert bodies as well as the system for monitoring the drugs trade and debates around what forms of control were necessary.

#### 3.1. The need for international cooperation

During the opening session of the Shanghai Opium Commission in 1909, the Chinese representative noted that

...this Conference will be principally guided by feelings of reason, benevolence and philanthropy in its desire to eradicate a poison and a bane to mankind. This being universally recognized, it becomes us to put aside all prejudices of nationality and race, and be guided solely by that world-wide philanthropy and enlightenment which have brought about this International Conference.<sup>465</sup>

This speech exemplifies both the humanitarian objectives of international drug control and the need for global cooperation, as well as identifying opium as a threat to humankind. It was the first step towards establishing a ‘global self’ as the referent object that needed to be protected from drugs. The US also emphasised the need for global cooperation to defeat the “opium evil”<sup>466</sup> and proposed a number of resolutions to combat the problem of opium. The first resolution proposed that “a uniform effort should be made by countries represented at once or in the near future to confine the use of opium, its alkaloids, derivatives and preparations to legitimate medical practices in their respective territories”; the sixth and seventh resolutions stated that even though each country had national laws to deal with opium, there was a need for collective action by all states to fully resolve the issues,

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<sup>464</sup> Bewley-Taylor and Jelsma, ‘Regime Change’, p. 73; McAllister, p. 44.

<sup>465</sup> International Opium Commission, *Report of the International Opium Commission, Shanghai, 1st to 26th February, 1909: Vol. I. The Report of the Proceedings*, (Shanghai: North-China Daily News & Herald Ltd., 1909), p.9.

<sup>466</sup> A telegram from US President Theodore Roosevelt read out at the conference stressed the importance of “the general suppression of the opium evil throughout the world.” *Report of the International Opium Commission: Vol. I*, p.14.

therefore all states should work together.<sup>467</sup> The US maintained these objectives continuously from the Shanghai meeting through the Single Convention conference and beyond. Herbert May, US representative to the Permanent Opium Control Board (PCOB), highlighted the importance of the commission when he stated that “the danger of addiction to manufactured drugs was for the first time recognized by an international body.”<sup>468</sup>

The US emphasised the need for global cooperation but did not always engage themselves, having refused to join the League of Nations. However, by 1923 US antipathy to the League was softening somewhat, and concerns around global arms control and domestic and international drug issues convinced US policymakers that international cooperation was needed.<sup>469</sup> This shift in attitude to international engagement led the US to sending an observer to the Opium Advisory Committee (OAC) meeting in January 1923 and a bigger party of representatives to the June 1923 OAC meeting: they included US Congressman and chairman of the House Committee on Foreign Affairs Stephen Porter, Bishop Charles Brent and Edwin Neville of the US State Department, all of whom attended in an “advisory capacity”<sup>470</sup> and were staunch prohibitionists. However, the US took a confrontational approach to the League of Nations meetings and when they failed to gain acceptance for their positions, such as during the 1925 Geneva Convention conferences, they walked away altogether, which undermined their emphasis on the necessity for global cooperation in controlling drugs. As well as being uncompromising, the US took a rather hypocritical stance when challenging the Indian governments’ argument that opium use in their territories was a domestic issue and therefore not relevant for international discussion, in light of the fact that the US had used a similar defence to protect their stances on trade tariffs and immigration.<sup>471</sup>

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<sup>467</sup> International Opium Commission, *Report of the International Opium Commission: Vol. I*, pp. 46-48.

<sup>468</sup> Herbert May, ‘The Evolution of the International Control of Narcotic Drugs’, *Bulletin of Narcotic Drugs*, Issue 1, 1950 [online]. Available from: < [https://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin\\_1950-01-01\\_1\\_page003.html](https://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin_1950-01-01_1_page003.html) > (accessed 28/10/11).

<sup>469</sup> McAllister, p.51.

<sup>470</sup> Raymond Leslie Buell, ‘The International Opium Conferences with Relevant Documents: VII. Opium and the League of Nations’, *World Peace Foundation Pamphlet Series*, Vol. 7: 2-3, (Boston: World Peace Foundation, 1925), p.78.

<sup>471</sup> Raymond Leslie Buell, ‘The Opium Conferences’, *Foreign Affairs* [online], Issue 4, 1924-1925. Available from: <<https://www.foreignaffairs.com/articles/united-states/1925-07-01/opium-conferences>> (accessed 15/07/13).



In contrast to the US attitude, for the representatives of European states the issue of non-medical use of drugs were less of a concern than creating an international system of regulation for the licit manufacturing and trade in drugs. Therefore, they supported the need for an international framework to control the manufacture and trade in opium and cocaine and to restrict illicit trade. British representative Sir Malcolm Delevingne put forward the British perspective quite clearly: “the problem was seen to be an international as well as national one.... International because it became obvious that only by international co-operation could the operations of illicit traffickers be defeated....”<sup>472</sup> However, one country that refused to participate in the conferences was the USSR. The Soviet government turned down an invitation to attend the Second Geneva Opium Conference, arguing that “By its own efforts on its own initiative, the Soviet Government has obtained results which the Conference being held to combat the evil can only contemplate to as an objective to attain in the distant future”.<sup>473</sup>

By the 1930s it was becoming clear that illicit smuggling of drugs was growing rapidly as the licit market came under tighter control; therefore, discussions were instituted about a treaty that would create uniform penalties across the world for illicit trafficking, as well as improving the extradition process.<sup>474</sup> The aim of the 1936 Convention was to make signatory states adopt universal criminal sanctions to deal with the ever-growing illicit trade. This proved impossible, however, largely because it was considered too broad for the control-orientated states and too specific for states that shied away from expanding the drug control system.<sup>475</sup> As a result of these unsuccessful negotiations, the treaty was considered so unappealing to most states that it was only ratified by 19 countries. During this period, whilst it was recognised by many states that international cooperation was necessary, there was contention about how much national sovereignty should be given up in order to achieve a robust system of drug control.

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<sup>472</sup> Malcolm Delevingne, ‘The Fifteenth Norman Kerr Memorial Lecture, 1934: Some International Aspects of The Problem of Drug Addiction’, *The British Journal of Inebriety (Alcoholism and Drug Addiction)*, Vol. 32: 3, January, 1935, pp. 128-129.

<sup>473</sup> Response from George Tchitcherin, Peoples Commissary for Foreign Affairs, Moscow, on behalf of the government of the USSR to an invitation to take part in 2<sup>nd</sup> Geneva Opium Conference, 6<sup>th</sup> November 1924, p. 4, British National Archives FO 371/10329.

<sup>474</sup> McAllister, p.120.

<sup>475</sup> McAllister, p.123.

### 3.2. National interest versus international controls

The financial benefits of the trade in drugs played a significant role in the formulation of the drug control *dispositif* in the early years as states sought to protect their national interests. The Soviet government encapsulated this view arguing that, “although the alleged aim is to combat the diffusion of narcotic drugs, the various countries are, in point of fact, seeking to promote their commercial interests and to earn business profits for themselves.”<sup>476</sup> European colonial states that had established opium monopolies wanted to protect the revenue from these systems as far as they could<sup>477</sup> and producer states (e.g. Greece, Turkey, Persia, Yugoslavia, India, Bolivia, and Peru) and manufacturing states (e.g. France, Britain, Germany, and Switzerland) all benefitted from a loosely controlled trade in drugs.<sup>478</sup>

The US argued that profiting from the drugs trade was morally reprehensible. For example, Bishop Brent, who had been chief commissioner of the US delegation at the Shanghai Opium Commission stated that

Money is indeed the root of all evil. As with individuals, so with Governments. The crux is that narcotics are wealth as well as vice-producing. Eliminate revenue and what Government would have further interest in the cultivation of the poppy?<sup>479</sup>

During the Shanghai Opium Commission, British representative Sir Cecil Clementi Smith defended opium regulation and the revenue derived from it by arguing that “it is the most efficient systems of regulating the use of opium which yield the highest return of revenue.”<sup>480</sup> This defence was

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<sup>476</sup> Response George Tchitcherin, Peoples Commissary for Foreign Affairs, Moscow, on behalf of the government of the USSR to an invitation to take part in 2<sup>nd</sup> Geneva Opium Conference, 6<sup>th</sup> November 1924, p. 4, British National Archives FO 371/10329.

<sup>477</sup> For example, in 1924 the British government estimated the amount of revenue received by their South East Asian colonies as follows: The Straits settlement received 40% of its revenue from opium monopolies, in the Federated Malay States opium monopolies comprised 14% of revenue, in the Unfederated Malay States it was estimated that opium monopolies provided between 18-40% of revenue, and in Hong Kong opium monopolies contributed about 25% of annual revenue. Memorandum from the British Home Secretary, Arthur Henderson, to the Cabinet Office on the International Opium Conference, November 1924, pp. 3-4, British National Archives, CAB 24/168.

<sup>478</sup> McAllister, p. 67.

<sup>479</sup> Buell, ‘Opium and the League of Nations’, p.78.

<sup>480</sup> International Opium Commission, *Report of the International Opium Commission: Vol. I*, p.50.

maintained during The Hague Opium conference. Indian OAC representative Sir John Campbell<sup>481</sup> argued that Bishop Brent was being unfair when he suggested that governments were reticent to prohibit opium due to the financial benefits of the trade, noting that “The Government of India have formally declared that their opium policy is not actuated by financial and economic motives.”<sup>482</sup> The Indian representative was not the only one to challenge this criticism: producer states such as Turkey, Greece, Persia and Yugoslavia raised the objection that their peasant farmers would be left financially destitute unless production of opium was allowed or alternative source of income were provided.<sup>483</sup> However, by the time of the Geneva conferences, the British government had recognised that relying on the revenue from of the opium trade was becoming harder to defend, noting that “For the time being we can defend ourselves at Geneva, but I do not pretend to think that if we are successful we shall be immune from further attacks next year and the year after.”<sup>484</sup> The British Home Secretary proposed that one option might be to

dissociate the profits of the opium monopolies from the revenues of the Colonies and to use them for humanitarian and social purposes outside the ordinary sphere of Government activities, e.g. medical provision, improvement of housing, higher education, and the like. This would at any rate relieve us from the reproach of living on the profits of vice.<sup>485</sup>

The European colonial powers gradually changed their stance as the century progressed. The British government ended exports of opium from India in the late 1920s<sup>486</sup> and Dutch production of coca in the Dutch East Indies died out in the early 1930s due to a vast over supply.<sup>487</sup> Furthermore, from the late 1940s onwards as decolonisation began,<sup>488</sup> Britain, France and the Netherlands no longer had to defend their opium monopolies or opium and coca trade, and therefore they became more open to

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<sup>481</sup> Although the Indian government was supposed to be representing Indian interests, these cannot be seen as entirely separate from British interests. The colonial administrations were operating under British control and for British imperial interests.

<sup>482</sup> Buell, ‘Opium and the League of Nations’, p.105.

<sup>483</sup> Buell, ‘Opium and the League of Nations’, pp.109-110.

<sup>484</sup> British Cabinet Office memorandum, dated 3<sup>rd</sup> December 1924, p. 3. British National Archives FO371/10329.

<sup>485</sup> British Cabinet memorandum by the Home Secretary, dated, 6<sup>th</sup> November 1924, p.6, British National Archives, CAB24/168.

<sup>486</sup> McAllister, p. 86.

<sup>487</sup> Annemarie Bos, ‘The History of Licit Cocaine in the Netherlands’, *De Economist*, Issue 154: 4, 2006, p. 585.

<sup>488</sup> India became independent in 1947, Burma in 1948, the Dutch East Indies in 1949 and Indochina in 1954.

US arguments in favour of a stricter system of control. However, they still wanted to protect their pharmaceutical industries<sup>489</sup> and therefore tensions between international controls and national sovereignty remained. These arguments centred around protecting national interests and continued to be evident during the drafting of the Single Convention, as we shall see later in this thesis (Chapter Four).

### 3.3. What is the threat?: defining 'legitimate' use

The issue of 'legitimate', or 'licit',<sup>490</sup> use is crucial to understanding how the drug control *dispositif* evolved in the form that it did, as well as how 'the drugs and a threat' discourse gradually took precedence within it. If the nineteenth century drug laws were concerned largely with questions of the quality of substances and licensing distributors, so twentieth century drug policy has been shaped predominantly by questions surrounding what forms of drug use were legitimate and how the trade should be regulated. The establishment of a dichotomy between legitimate and illegitimate use formalised the "ambivalent materiality" of drugs whereby these substances were seen as being both beneficial and dangerous.<sup>491</sup> The issue of 'legitimate' use is also intimately connected to the development of the 'drugs as a threat' discourse. The identification of some forms of drug use as licit and other forms as illicit established the idea that non-medical/non-scientific drug use and, by extension, the people that participated in this trade were threatening.

At Shanghai the US argued that "the world knows that opium and morphia constitute a danger that threatens the welfare of China, and no less than of other nations".<sup>492</sup> The Chinese representative went even further, arguing that opium threatened the "very existence of the Chinese nation."<sup>493</sup> Here we see the first international examples of drugs being identified as threatening to society and the nation state. From the outset of the Shanghai Opium Commission, the US identified non-medical production and use of opium as a major concern and therefore called for a total prohibition on opium use apart from for "legitimate medical practice".<sup>494</sup> This led the US to press their European counterparts to limit opium production to scientific and medical need only and therefore end opium

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<sup>489</sup> McAllister, p. 60; Berridge, *Opium and the People*, pp. xxxii-xxxiii.

<sup>490</sup> In this thesis, the terms 'licit' and 'legitimate' are used interchangeably.

<sup>491</sup> Herschinger, 'The Drug *Dispositif*', pp. 183-201.

<sup>492</sup> International Opium Commission, *Report of the International Opium Commission: Vol. 1*, p.53.

<sup>493</sup> International Opium Commission, *Report of the International Opium Commission: Vol. 1*, p.32.

<sup>494</sup> The first resolution proposed by the US representatives, *Report of the International Opium Commission: Vol. 1*, p.46.

smoking and eating, practices which the colonial governments considered 'quasi-medical' and therefore legitimate.<sup>495</sup> At Shanghai Sir Cecil Clementi Smith argued that

Even if we adopted the [US] resolution in principle we should still, and for a long time to come, be compelled to put a most liberal construction on the term 'medical purposes'; this further opportunity for irregularity would go far to complete the undermining of a scheme of nominal prohibition.<sup>496</sup>

The Shanghai Opium Commission, which was not legally binding, agreed "that the use of opium in any form otherwise than for medical purposes is held by almost any participating country to be a matter of prohibition or for careful regulation."<sup>497</sup> However whilst they recognised that uncontrolled use of morphine and other opiates constituted a "grave danger",<sup>498</sup> they could only agree "to take measures for the gradual suppression of the practice of Opium smoking".<sup>499</sup> Though the 1912 Hague Convention was initially aimed solely at regulating the opium trade, cocaine was eventually included at the behest of the British who were increasingly alarmed about the burgeoning trade in Asia.<sup>500</sup> The Hague Convention called for the limitation of the manufacture, sale and use of "manufactured narcotic drugs to medical and legitimate needs" and the gradual suppression of opium smoking.<sup>501</sup>

During the 1923 Opium Advisory Commission (OAC) meetings, the US representatives maintained an uncompromising stance in regard to their interpretation of the term 'legitimate' use. As US representative Porter argued, "The United States is of the opinion that there should be complete acceptance of, and compliance with, the terms and spirit of The Hague Opium Convention in dealing with the traffic in narcotic drugs"<sup>502</sup> and that The Hague Convention recognised that any form of non-medical use was not legitimate,<sup>503</sup> but this was disputed by other members of the committee.

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<sup>495</sup> McAllister, p.53.

<sup>496</sup> International Opium Commission, *Report of the International Opium Commission: Vol. I*, p.50.

<sup>497</sup> International Opium Commission, *Report of the International Opium Commission: Vol. 1*, p. 84.

<sup>498</sup> International Opium Commission, *Report of the International Opium Commission: Vol. I*, p.84.

<sup>499</sup> International Opium Commission, *Report of the International Opium Commission: Vol. I*, p.84.

<sup>500</sup> James H. Mills, 'Cocaine and the British Empire: The Drug and the Diplomats at the Hague Opium Conference, 1911–12', *The Journal of Imperial and Commonwealth History*, Vol. 42: 3, 2014, p. 420.

<sup>501</sup> May, 'Evolution', [online].

<sup>502</sup> Buell, 'Opium and the League of Nations', p.79.

<sup>503</sup> Buell, 'The Opium Conferences' [online].

The claim by the US that non-medical/non-scientific use was not legitimate was disputed by delegates at the Geneva Opium conference, not least by the representative for India, Sir John Campbell, who argued that if the US interpretation of 'legitimate' use was accepted it would mean that smoking and eating opium would have to end in India, something that the British did not believe was necessary.<sup>504</sup>

At the Geneva conferences, the representative for India approached the US delegation in a bid to discuss the matter of what constituted 'legitimate' use but they refused noting that "the American delegation was not disposed to enter into any discussion."<sup>505</sup> The British government supported Indian opposition to the US demands even though they broadly accepted the US position, claiming the importance of national sovereignty over such decisions. A Cabinet Office secretary noted that

If Mr. Porter really insists on the proposal to limit the production of opium.... The right of any state to do what it likes within its own borders is so fundamental and so completely separate from the question of international trade in opium or manufactured drugs that I feel we ought to give full support to India in this matter.<sup>506</sup>

The Home Secretary made the discomfort of the British position even clearer, noting that they were "strongly in favour of the latter course [prohibition of opium], if it is at all practicable. Our position at the present time is an equivocal and an embarrassing one."<sup>507</sup> Delevingne believed that the British government should aim for the eventual end to the opium trade and 'quasi-medical' use of opium, however, colonial government representatives were strongly opposed to these objectives for economic and cultural reasons as well as fearing that smuggling would increase.<sup>508</sup> Therefore the British representative attempted to produce a compromise by suggesting that each country should decide what constituted "as medicinal or scientific use of the drugs within its own territories",<sup>509</sup> but this was rejected by other states. The Indian representative noted that opium in

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<sup>504</sup> Buell, 'Opium and the League of Nations', p.79.

<sup>505</sup> Buell, 'The Opium Conferences' [online].

<sup>506</sup> Letter from L. Collier (Cabinet Office secretary) to Mr. Waterlow (Foreign Office), dated 26<sup>th</sup> November 1924. British National Archives FO371/10329.

<sup>507</sup> Cabinet Office memorandum by the Home Secretary dated 28<sup>th</sup> July 1924, p. 6. British National Archives CAB 24/168.

<sup>508</sup> Memorandum to the British Cabinet from the Secretary of State for the Colonies in regard to the Geneva Opium Convention, 16<sup>th</sup> December 1924, pp. 2-3. British National Archives CAB 27/256.

<sup>509</sup> Buell, 'Opium and the League of Nations', p.80.

India was legitimately used for non-medical purposes and so eventually it was agreed that the term 'legitimate' would replace reference to 'medical and scientific' uses,<sup>510</sup> thus merging the different terms. The US was deeply unhappy that participants at the Geneva conferences refused to accept their demands for drug use to be limited solely to medical and scientific purposes and so they walked out of the conference. As the US withdrew from the conference, one of the US delegates stated that "according to the spirit of the Hague Convention, the use of opium products for other than medicinal or scientific purposes is an abuse and not legitimate".<sup>511</sup>

The 1931 Convention created two groups of substances, which would, in the Single Convention, become the drug schedules that delineated how a substance should be controlled.<sup>512</sup> It was also the first convention to call upon states to "suppress the illicit traffic",<sup>513</sup> therefore establishing the distinction between licit and illicit trafficking. However, these terms were not clearly defined; instead, it was left to be understood that illicit trafficking was that which supplied illicit use, for which there was no agreed definition. An example of this lack of clarity can be found in an article in 1934, where Delevingne noted that "By illicit traffic I mean the supply of drugs for purposes of abuse, though at this time the traffic was in most countries not actually illegal."<sup>514</sup> What was considered 'legitimate' use continued to be questioned throughout the League of Nations period and indeed was not completely settled even by the time that the Single Convention came to be completed. However, the League of Nations treaties did establish a dichotomy between licit and illicit use that had not existed in the early years of the drug control *dispositif*. This dichotomy between 'good' (licit) and 'bad' (illicit) drug use bolstered the US argument that certain forms of drug use, and by extension drug users, were threatening, thus contributing to the 'drugs as a threat' discourse.

### **3.4. The international drug control system: expert bodies and the creation of a monitoring system**

The League of Nations treaties created a system of monitoring for the import, export and manufacturing of controlled substances that continues to this day. Gradually, as this system of control of licit manufacturing and trade was tightened up, it exacerbated a distinction between licit and illicit

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<sup>510</sup> Buell, 'Opium and the League of Nations', p.78.

<sup>511</sup> Quoted in British Cabinet Office memorandum dated 3<sup>rd</sup> December 1924, p.79. British National Archives FO371/10329.

<sup>512</sup> Herschinger, *Constructing Global Enemies*, p. 62.

<sup>513</sup> The League of Nations, 'Chapter IV, article 15', *1931 Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs* (The League of Nations: Geneva, 13th July 1931).

<sup>514</sup> Delevingne, p. 129.

drug manufacturing and distribution. However, until the Single Convention was brought into international law, most illicit drug use was supplied through leakages from the licit market.<sup>515</sup> The League of Nations treaties also created bodies of ‘experts’ who were involved in not only monitoring the system, but who also, played a vital role in drafting the treaties and shaping domestic discourses on drugs. Whilst in the UK and the Netherlands, the medical professions maintained dominance over the prescription and distribution of controlled substances and played an important part in shaping domestic policy and discourses on drugs, at the international level, medical professionals played a lesser role. Few of the international drug control bureaucrats of the twentieth century were members of the medical professions; rather, they were often law enforcement officers (Harry Anslinger and Charles Sharman of the US and Canada respectively), lawyers (Herbert May and Leon Steinig from the US and Adolf Lande from Switzerland), civil servants (Malcolm Delevingne and Harry Greenfield from Britain, Edwin Neville from the US and John Campbell of India), religious leaders (Bishop Charles Brent from the US), or politicians (Stephen Porter from the US). As such, these “professional managers of unease”<sup>516</sup> saw international drug control in terms of foreign policy and enforcement rather than as a public health issue.

After World War I the League of Nations was created and under its auspices several bodies were established to look at the issue of drugs: the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs (the Opium Advisory Committee or OAC) had overall responsibility for the issue and the Opium and Social Questions Section (the Opium Section), based within the League secretariat, provided administrative support.<sup>517</sup> Through the collection of data and the examination of issues relating to drugs, members of these bodies came to be seen as experts on drug matters and therefore gained a great deal of political and social capital to influence the drug control *dispositif*.

Under the terms of the 1925 Convention, the Permanent Central Opium Board (PCOB, or ‘the Board’) was established as “an impartial body whose members should not be Government representatives but should serve in a personal capacity”.<sup>518</sup> PCOB members, the convention decreed, must also be “persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand and in the consuming countries on the other hand, and connected with

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<sup>515</sup> Bewley-Taylor and Jelsma, ‘Regime Change’, p. 73.

<sup>516</sup> Bigo, ‘Security and Immigration’, p. 65.

<sup>517</sup> McAllister, p.44.

<sup>518</sup> May, ‘Evolution’, [online].



such countries.”<sup>519</sup> Though the idea of ‘the Board’ was agreed upon, manufacturing states – e.g. Switzerland, France and the Netherlands – would only accept a weak body with no compulsory powers.<sup>520</sup> The creation of the OAC - under the 1912 Hague Convention - and the PCOB established bodies of ‘experts’ who, along with members of the Drug Supervisory Board (DSB) - created under the 1931 Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs - came to shape the ‘drugs as a threat’ discourse.<sup>521</sup> The PCOB was to oversee compliance of a non-binding import/export system that aimed to restrict the movement of drugs from one country to another.<sup>522</sup>

Throughout this period, the US continued to see the prohibition of production of raw materials for anything other than medical and scientific purposes as their long-term goal but in the short term they were willing to focus on encouraging other states to imitate their stringent enforcement controls.<sup>523</sup> The US delegation gained some notable successes in the negotiations for the 1931 Convention. The 1931 Convention further strengthened the international control machinery by making manufacturing estimates and import and export restrictions mandatory for contracting parties; these controls were monitored by the newly created DSB.<sup>524</sup> The US succeeded in getting some reference to limits on the production of raw materials in that governments had to restrict the amount of stocks that pharmaceutical companies held to six months’ supply only, and through the creation of the DSB and recognition of the PCOB, the US were able to engage legitimately with the international drug control system without having to support the League of Nations or ratify the 1925 Convention.<sup>525</sup> Another US success was Article 15 of the 1931 Convention which committed signatory states to establish a “special administration”<sup>526</sup> to regulate the licit trade and limit the illicit trade, effectively meaning that states had to imitate US domestic control measures.<sup>527</sup> The introduction, under the 1931 Convention, of obligatory manufacturing estimates and the need for signatory states to create a domestic

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<sup>519</sup> The League of Nations, ‘Article 19,’ *1925 International Opium Convention* (The League of Nations: Geneva, 19th February 1925).

<sup>520</sup> McAllister, p. 72.

<sup>521</sup> Bull, pp. 86-88.

<sup>522</sup> McAllister, p.76.

<sup>523</sup> McAllister, pp.90-91.

<sup>524</sup> The League of Nations, ‘Articles 2-5’, *1931 Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs* (The League of Nations: Geneva, 13th July 1931), p. 315.

<sup>525</sup> McAllister, p. 98.

<sup>526</sup> The League of Nations, ‘Article 15’, *1931 Convention*, p. 327.

<sup>527</sup> McAllister, p.98.

bureaucracy to monitor the drug trade were important within the drug control *dispositif* because they represent the first real restrictions on the international trade and manufacture of drugs.

The 1936 Convention was the last to be signed under the auspices of the League of Nations. World War II prevented further international cooperation, however, during the war the drug control bodies (such as the DSB) moved to New York and therefore came under even more influence from the prohibition-orientated head of the US Federal Bureau of Narcotic Drugs, Harry Anslinger and his allies.<sup>528</sup> Furthermore, members of the League of Nations bodies formed what McAllister called the 'inner circle'<sup>529</sup> around Anslinger; they included Charles Sharman (head of the Canadian Narcotics Service and member of the DSB), Herbert May (US member of the PCOB and later president), Helen Moorhead (member of the US Foreign Policy Association), Elliot Felkin (British member of the League of Nations secretariat and then PCOB Secretary) and Leon Steinig (member of the DSB secretariat). The 'inner circle' were keen proponents of strict control. They aimed to end the non-medical use of drugs<sup>530</sup> and used their influence to shape the international drug control system, particularly the 1953 Opium Protocol and the Single Convention, as will be explored further in Chapter Four.

### **3.5. Forms of control: prohibition or regulation**

The issue of what forms of control should be applied to drugs is another crucial aspect of the evolution of the drug control *dispositif* and its relationship with the development of the 'drugs as a threat' discourse. As the licit market became subject to tighter controls, so the production, trade and use of drugs outside the licit market began to be seen as threatening. At the Shanghai conference, the US argued that "the total prohibition of the manufacture, distribution and use of smoking opium is the right principle to be applied to all people".<sup>531</sup> Throughout the League of Nations period, the US held steadfastly to their argument that prohibition of all but 'legitimate' use was the best way to deal with the threat posed by non-medical drug use. US objectives focussed largely on supply-control, believing that use was merely a by-product of supply and that by

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<sup>528</sup> McAllister, pp.139; John Collins, *Regulations and Prohibitions: Anglo-American Relations and International Drug Control, 1939-1964*, January 2015, e-published PhD thesis, p.41. Available from: <[http://etheses.lse.ac.uk/3107/1/Collins\\_Regulations\\_and\\_Prohibitions.pdf](http://etheses.lse.ac.uk/3107/1/Collins_Regulations_and_Prohibitions.pdf)> (accessed 01/04/15).

<sup>529</sup> McAllister, pg. 149.

<sup>530</sup> McAllister, pg. 149.

<sup>531</sup> International Opium Commission, *Report of the International Opium Commission: Vol. I*, pp. 46-48.

prohibiting supply all illicit drug use could be ended.<sup>532</sup> By contrast, the European colonial powers saw less need to eliminate certain forms of use, instead being concerned with controlling them: in their overseas territories, they tended towards using government-controlled monopolies to regulate opium use, and at home they preferred medical supervision rather than prohibition. These approaches to reducing opium use were summarised by the British Home Secretary in a report of the 1924 Geneva Opium Conference

There seem to be only two possible methods by which the suppression of the practice of opium smoking may be brought about. One is to limit the use of opium smoking to existing smokers by the introduction of registration or licensing. No licenses are issued to new smokers, and as the existing smokers die off, the practice disappears... The other method is to prohibit absolutely all smoking after a fixed date. This is the policy adopted by the United States Government in the Philippines.<sup>533</sup>

At Shanghai Clementi Smith argued that, particularly in India and Burma where regulation was a well-established policy, prohibition would not work. He noted that “the system of regulation built up in India is in fact in a large measure, an efficient instrument in the prevention of abuse”.<sup>534</sup> He also stated that Britain was willing to aim for an end to opium smoking in the future but that this could be done in a number of ways other than through prohibition and each country should be able to adopt whichever measures are most applicable.<sup>535</sup> Whilst the Shanghai Opium Commission established a broad agreement that opium use should be controlled, it was recognised that “the wide variations between the conditions prevailing in the different countries” allowed for a range of different systems.<sup>536</sup> As mentioned earlier, some states, such as Britain and the Netherlands, considered that addiction was a health issue rather than a criminal one and so preferred alternative forms of drug control such as opium monopolies and maintenance for addicts;<sup>537</sup> they were also concerned that increased restrictions would bring about a rise in illicit trade.<sup>538</sup> By the 1920s, however, for the British there was a divergence between managing drug use in the British Isles and

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<sup>532</sup> Bewley-Taylor, *The United States and International Drug Control*, p.34; McAllister, p.79.

<sup>533</sup> Memorandum from the British Home Secretary, Arthur Henderson, to the Cabinet Office on the International Opium Conference, November 1924, p.4. British National Archives, CAB 24/168.

<sup>534</sup> International Opium Commission, *Report of the International Opium Commission: Vol. I*, pp. 48-49.

<sup>535</sup> International Opium Commission, *Report of the International Opium Commission: Vol. I*, p.51.

<sup>536</sup> International Opium Commission, *Report of the International Opium Commission: Vol. I*, p. 84.

<sup>537</sup> Lart, p. 49; Korf et al., p. 473.

<sup>538</sup> De Kort and Korf, p. 129; Miners, p. 285.

the colonial territories: opium smoking had been outlawed at home under the 1920 Dangerous Drugs Act but in many overseas territories it remained legitimate, and this was becoming a source of embarrassment for the British government.<sup>539</sup>

The US delegates who attended the 1924/25 League of Nations conference went armed with a Congressional resolution stating that they could not sign anything that did not prohibit non-medical use.<sup>540</sup> On the surface this could be seen as government limiting the scope for representatives to negotiate; however, it was US Congressman Stephen Porter who had sponsored the bill,<sup>541</sup> which illustrates that he was in a position to shape domestic government views rather than merely representing them on the international stage. Porter brought new proposals to the 1924/25 Geneva conferences that had not been included in the OAC draft agenda: firstly, he called for a global expansion of the 1907 British-Chinese 10-year agreement to end opium smoking; secondly, he called for restriction of opium and coca production to medical and scientific needs only.<sup>542</sup> As these proposals were not included in the draft treaty drawn up by the OAC, most states refused to discuss them. During the second Geneva conference Delevingne proposed that the manufacturing states commit to limiting output in order to reduce excess supplies. This, he hoped, would meet the crucial US objective of restricting the flow of illicit drugs into America whilst not bowing down to US demands for the complete prohibition of non-medical use.<sup>543</sup> Despite numerous attempts at

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<sup>539</sup> Memorandum from the British Home Secretary, Arthur Henderson, to the Cabinet Office on the International Opium Conference, November 1924, p. 6. British National Archives, CAB 24/168.

<sup>540</sup> The resolution stipulated that, "that representatives of the United States shall sign no agreement which does not fulfil the conditions necessary for the suppression of the habit-forming narcotic drug traffic as set forth in the preamble". The preamble stated that "it is necessary to exercise control of the production of raw opium in such a manner that there will be no surplus available for non-medical and non-scientific purposes." The resolution is quoted in a British Cabinet Office memorandum dated, 3<sup>rd</sup> December 1924. British National Archives FO371/10329.

<sup>541</sup> McAllister, p. 65.

<sup>542</sup> Memorandum from the British Home Secretary to the Cabinet Committee on Opium Policy, 11<sup>th</sup> December 1924 summarises the two proposals: "(a) that the contracting parties should control the production and distribution of raw opium and coca leaves so that there would be no reserves available for purposes not strictly medical or scientific. (b) That the countries in whose territories the use of opium for smoking is now temporarily permitted shall bring it to an end in ten years by a ten per cent reduction each year in their imports of opium for the purpose." pp. 5-6. British National Archives CAB 27/256.

<sup>543</sup> British Cabinet Office memorandum dated 3<sup>rd</sup> December 1924. British National Archives FO371/10329.

negotiation, this proved to be an obstacle and in early February 1925 the Americans and Chinese walked out of the conference.<sup>544</sup>

American participation in the 1931 conference was in doubt as Porter claimed that it would mean the US had abandoned its aim of limits on the production of raw materials in favour of the more generally accepted desire to limit the manufacture of drugs, but eventually the US State Department overruled this objection.<sup>545</sup> At the 1936 conference the US representatives proposed including limits to raw materials and opium smoking in the treaty; it was their aim to prohibit all non-medical/non-scientific production and distribution as well as use if possible, but most other delegates rejected this proposal.<sup>546</sup> After this rejection, US representatives wanted to withdraw from the conference but the US State Department overruled them, fearing a repeat of the 1924/25 conference embarrassment. As a result, the US delegation barely engaged with further proceedings and refused to sign the treaty.<sup>547</sup>

During World War II the European-Allied powers came to rely increasingly on American military support in the Far East, which made them vulnerable to US pressure to end their opium monopolies. In September 1943 the US State Department produced an aide-memoire calling for a common policy to end all non-medical opium use.<sup>548</sup> On the 10<sup>th</sup> November 1943 the British and Dutch governments announced that they would prohibit opium smoking and end government opium monopolies upon re-occupation of their territories.<sup>549</sup> The decision to end opium monopolies in British colonial territories gave rise to great consternation in the British Colonial Office and particularly in the Burma Office where staff were concerned that the prohibition of opium production and smoking would cause an increase in illicit trafficking, alienate the local tribes and impoverish rural tribes dependent upon the crop for their livelihoods.<sup>550</sup> The British Embassy in Washington clearly stated, however,

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<sup>544</sup> McAllister, p.76.

<sup>545</sup> Bewley-Taylor, *United States and International Drug Control*, p.39.

<sup>546</sup> McAllister, p.123.

<sup>547</sup> McAllister, p.123.

<sup>548</sup> McAllister, p. 151.

<sup>549</sup> In November 1943 the US State Department called on their European allies to end the opium monopolies in their Far Eastern territories once they had been liberated from Japanese control. See letters between the Civil Affairs Authorities and the Foreign Office, November 1943-April 1944. British National Archives, FO-371/39366.

<sup>550</sup> Report from the Burma Office into the feasibility of prohibiting opium in Burma, 29-30th November, 1943 in British National Archives, FO371/39366.

that the Americans would not be satisfied with anything short of complete prohibition and so pressure was put upon the Civil Affairs Authorities in Burma to commit to this despite their reservations.<sup>551</sup> Britain, along with the Netherlands and France, were forced to commit to ending their opium monopolies in Asia, thus ending their paradoxical position whereby they had placed 'medico-penal' controls on access to drugs for their domestic populations but imposed regulatory controls on the use of these substances by their colonial subjects. Once decolonisation began, they had even less reason to maintain their support for regulatory systems of control because they no longer governed territories where opium use was common. By the end of the 1940s, the prohibition of non-medical and non-scientific use was becoming accepted across the industrialised world and a shift had occurred as drugs increasingly came to be represented as a threat to society and individuals.

#### 4. Conclusion

This chapter has shown how the drug control *dispositif* came into being first in individual states and then through the international system. The evolution of a control orientated *dispositif* went through a number of phases: firstly, it was instituted through domestic pharmaceutical and medical regulations with a focus on quality controls and licensed distributors; the second phase, with which this chapter was predominantly concerned, involved the development international trade controls and criminal laws in the domestic sphere. Moral and social norms have also played an important part in the way drugs and drug users were perceived, particularly in the US.

The US instigated the need for international cooperation in order to deal with the problem of, initially, opium but later cannabis and cocaine and their derivatives, but other states had a range of reasons to engage with this, from trade interests to domestic and colonial systems of drug control. From the outset, the US argued that drugs were dangerous and potentially threatening and that the only way to deal with these issues was to prohibit all but medical and scientific use, and thus the 'drugs as a threat' discourse was born. However, this perspective was contested by other states, particularly the European colonial powers, who believed their opium monopolies were an effective way of reducing

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<sup>551</sup> A letter from Lord Halifax at the British Embassy in Washington to Sir Cadogan at the Foreign Office in London notes, "I am not happy about the attitude of the Civil Affairs Authorities in Burma towards the question of the suppression of opium smoking... I fear that this policy... is likely to meet with strong opposition from the Americans, whose penchant for drastic measure is illustrated in the eighth paragraph in the State Department's Aide Memoire of September 21st 1943..." 17th April 1944. British National Archives, FO371/39366.

use without instituting prohibition and that medical prescriptions for dependent users were legitimate forms of medicine. This was disputed by the US and domestically, the Harrison Act limited the rights of doctors to prescribe maintenance doses to their patients in sharp contrast to practices in Britain.

By the beginning of World War II, the situation was changing as European states came to accept stricter forms of control for both their international trade and domestic citizens. The international drug control system, though at this stage it did not comply with US aims for the prohibition of non-medical/non-scientific production and use of drugs, had come a long way in a relatively short space of time. In 1909 there was little or no consensus on drug control and yet less than thirty years later there were four international drug conventions signed by a considerable proportion of the world. Intertwined with the creation of an international system for drug control was the establishment of bodies of experts who monitored and reported on the drug situation and through this, gained a political and social capital which allowed them to shape discourses and practices on drugs. As the system for the licit manufacture, trade and use of drug became tighter, so illicit drug production and use came to be seen as threatening which further reinforced calls for the prohibition of all but medical and scientific use. As will be seen in the next two chapters, as the 'drugs as a threat' discourse became more widely accepted, drugs and drug trafficking became securitized. This chapter has explored some of the ways in which drugs have been controlled outside of the prohibition framework, and the next two chapters will explore how the securitization(s) of drugs limits the options available to states in their attempts to deal with the issue of drugs. Chapter Six will then explore recent developments within the drug control *dispositif* that may function within the prohibition paradigm, and in some cases outside it, but challenge the 'drugs as a threat' discourse, instead concerning themselves with other threats and problems such as the marginalisation of drug users, the spread of infectious diseases and public nuisance.

## Chapter Four

### 'Drug Addiction as a Serious Evil':

#### The Construction of Drugs as a Threat to Humankind in the 1961 UN Single Convention

##### **1. Introduction**

The purpose of this chapter is to analyse how drugs became accepted as being threatening to humankind and how this threat construction re-shaped the drug control *dispositif*. The Single Convention is crucial for understanding the development of the international drug control system because, whilst it did not demand that signatory states prohibit drugs, it shaped the drug control *dispositif* to such an extent that prohibition became seen as the dominant solution to the 'drug problem'. As discussed in the previous chapter, from the beginning of the twentieth century the US had argued that drug production, trade and use needed to be limited to legitimate medical/scientific purposes only, that earning revenue from the trade in opium was immoral and that the fight against drugs was a global issue that needed international cooperation. Whilst many states were not initially convinced that drugs (primarily opium but later broadened out to include cocaine and cannabis) were the threat that the US made them out to be, or indeed that drug production and use needed to be restricted to medical and scientific purposes only, they did begin to accept that this was a global issue that needed a coordinated approach. Some of the key obstacles throughout the period 1909-1961 were how much national sovereignty to relinquish in order to achieve this goal and what was considered 'legitimate' use. By the time the Single Convention was completed, however, the international drug control system had established twin aims: to establish a world free from illicit drug use and a system of control that was universally acceptable.<sup>552</sup>

With the establishment of the United Nations in 1945, the organs of drug control were transferred to this new organisation under the terms of the Lake Success Protocol of 1946. In 1945 a new body – the Commission on Narcotic Drugs (CND) – was created to replace the Opium Advisory Committee (OAC). It reported to the UN's Economic and Social Council (ECOSOC)<sup>553</sup> and the secretariat was provided by a new body called the Division of Narcotic Drugs (DND).<sup>554</sup> There was a growing concern that with so many international drug control treaties (see Chapter Three), the system had become too unwieldy and so the US promoted the idea of a new 'single' convention. The US wrote and sponsored an

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<sup>552</sup> Herschinger, *Constructing Global Enemies*, p. 74.

<sup>553</sup> McAllister, p. 154.

<sup>554</sup> Kettil Bruun, Lynn Pan and Ingemar Rexed, *The Gentleman's Club: International Control of Drugs and Alcohol*, (Chicago: University of Chicago Press, 1975), p. 16.



ECOSOC resolution requesting work to be started on a new convention in 1948.<sup>555</sup> ECOSOC resolution 159 authorised the creation “of a new single convention.... [that would] replace the above-mentioned instruments [the League of Nations conventions] relating to narcotic drugs and also include provisions for the limitation of the production of narcotic raw materials.”<sup>556</sup> The resolution was approved by CND and adopted by ECOSOC in August 1948.<sup>557</sup> However, the birth of the Single Convention was a long and contentious process. It took 13 years and three drafts before the Single Convention could be agreed upon. Even after the Single Convention had been finalised, it did not enter into international law until December 1964 and the US attempted to torpedo the convention by bringing the more stringent 1953 Opium Protocol into law.

As has been shown in the previous chapter, whilst most states agreed that non-medical/non-scientific drug use needed to be controlled, there were divergent views on how this could be achieved. The US believed the only way to solve the ‘drug threat’ was to prohibit recreational and ‘quasi-medical’ use, however, during the League of Nations period a number of other states believed that strictly controlled opium monopolies were also effective. This attitude changed after the US persuaded the European colonial states to end their opium monopolies and decolonisation began. However, some states, particularly the European states, Australia, New Zealand and Canada, still tried to fight against the strictest provisions in the third draft of the Single Convention. Furthermore, there continued to be a long-running debate about what constituted ‘legitimate’ use and how best such use could be managed: through supply control or demand control.<sup>558</sup>

The Single Convention should be seen as a securitizing move in relation to drugs. As will be explored in this chapter, the Single Convention identified non-medical use and addiction to drugs as a threat to humankind. The principle actor in this securitizing move was the US but once the convention was finalised they were so unhappy with it that they actively attempted to undermine it. Therefore, another group of actors – the British and Canadians predominantly – worked to gain enough

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<sup>555</sup> UN Secretariat, ‘Twenty Years of Narcotics Control Under the United Nations: Review of the work of the Commission on Narcotic Drugs from its 1st to its 20th session’, *Bulletin of Narcotic Drugs*, Issue 1, 1966 [online]. Available from: <[https://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin\\_1966-01-01\\_1\\_page002.html](https://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin_1966-01-01_1_page002.html)> (accessed 05/04/11).

<sup>556</sup> Economic and Social Council of the United Nations (ECOSOC), *Simplification of existing international instruments on narcotic drugs*, ECOSOC Resolution 1948/159 (VII) IID, (New York: United Nations, 1948).

<sup>557</sup> ECOSOC resolution 1948/159(VII)IID, E/799.

<sup>558</sup> Demand control focusses on limiting use, in contrast to supply control where the emphasis is on limiting production of the raw materials.

ratifications to bring it into international law. The 'extraordinary measures' proposed by the US aimed to achieve the elimination of production, trade and use of drugs except for medical and scientific purposes. However, the strictest of provisions in the third draft – mandatory prohibition of certain substances, the 'closed list' of opium and coca producers, the right of the Board to make local enquiries and mandatory embargoes – were not accepted into the final draft. This was because they were extremely contentious and therefore undermined another key facet of the convention: the need for the broadest levels of adherence possible. This suggests that whilst the existential threat was accepted relatively early on in the development of the international drug control system, agreement on some of the solutions to the threat, and the powers that should be given to bodies overseeing the management of such a threat, were never completely accepted. Nevertheless, as countries incorporated the Single Convention into their domestic laws, prohibition became the overriding paradigm for dealing with the 'drug threat'. This caused a reorientation of the drug control *dispositif* from a regulatory system of control towards a prohibitionist one.

This chapter uses a combination of documents from the British and US National Archives and UN sources to examine the processes by which drugs became constructed as threatening to humankind internationally. The chapter starts by analysing the Single Convention as a securitizing speech act. It then identifies discursive and rhetorical strategies pursued by the participants of the Single Convention plenipotentiary conference that culminated in the agreement that drugs should be limited solely to medical and scientific purposes. Next, the chapter examines how the convention was translated into domestic law to explore how the practices shaped national drug policy and illustrates the reorientation of the drug control *dispositif*. The chapter then analyses the various agents that contributed to the securitization process, firstly highlighting those 'actors' that were supportive of the securitization, secondly examining those that were opposed to various practices proposed in the third draft of the convention, and thirdly analysing the role of the 'audiences' in the securitization process in relation to the ratification of the Single Convention. Finally, the chapter examines the geo-political context of the period that shaped the securitization. This study of the Single Convention as a securitizing move concludes that even after the speech act was accepted, the securitization of drugs only became operational once the practices had been enshrined in international and domestic law. Once this occurred, prohibition became the norm across much, but not all - as the Dutch example explored later in this chapter will show - of the world and the drug control *dispositif* evolved so that the 'drugs as a threat' discourse became the predominant lens through which policies relating to drugs became viewed. As will be seen in Chapter Six of this thesis, even where policies that were legitimate under the Single Convention were carried out to mitigate some of the negative health and social effects of illicit drug use, they were strongly criticised by the US and UN bodies if they failed to adhere

to the prohibitionist paradigm of the international drug control system. The securitization of drugs restricted the range of policy options available to nation states.<sup>559</sup> This led to wide-ranging negative impacts including the criminalisation of people involved in the drug trade,<sup>560</sup> but also limited the access to drugs for licit purposes in much of the world.<sup>561</sup>

## **2. The securitizing ‘acts’: speech act(s) and practices**

As outlined in Chapter Two, securitizing ‘acts’ consist of both speech acts and practices.<sup>562</sup> Therefore this chapter will firstly analyse the Single Convention as a speech act, identifying its constituent elements – the referent object, the existential threat and the extraordinary measures – and then examine the discursive and rhetorical strategies used. It will then examine the practices that contributed to establishing the securitizing move.

### **2.1. The speech act**

The Parties,  
Concerned with the health and welfare of mankind,  
Recognizing that the medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering and that adequate provision must be made to ensure the availability of narcotic drugs for such purposes,  
Recognizing that addiction to narcotic drugs constitutes a serious evil for the individual and is fraught with social and economic danger to mankind,  
Conscious of their duty to prevent and combat this evil,  
Considering that effective measures against abuse of narcotic drugs require co-ordinated and universal action,  
Understanding that such universal action calls for international co-operation guided by the same principles and aimed at common objectives...

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<sup>559</sup> Mona K. Sheikh, ‘Appointing Evil in International Relations’, *International Politics*, Vol. 51: 4, 2014, p. 496

<sup>560</sup> International AIDS Society, International Centre for Science in Drug Policy (ICS DP), and the British Columbia (BC) Centre for Excellence in HIV/AIDS, *The Vienna Declaration*, July 2010 [online]. Available from: <http://www.viennadeclaration.com/the-declaration/> (accessed 30/04/16).

<sup>561</sup> Stephen P. Marks, ‘Access to Essential Medicines as a Component of the Right to Health’, in *Realizing the Right to Health*, ed. by Andrew Clapham and Mary Robinson, Swiss Human Rights Book Series Vol. 3, (Zurich: Rüffer & Rub, 2009), p. 83.

<sup>562</sup> Balzacq, ‘Enquiries into Methods’, p. 35.

Desiring to conclude a generally acceptable international convention replacing existing treaties on narcotic drugs, limiting such drugs to medical and scientific use, and providing for continuous international co-operation and control for the achievement of such aims and objectives.<sup>563</sup>

The preamble to the Single Convention can be seen as a speech act because it summarises the objectives and purpose of the convention. Whilst preambles carry no legal weight, they set the normative tone for the document,<sup>564</sup> and this was explicitly stated by Brazilian representative A.G.R. Bittencourt who noted that

A preamble was not a mere formal introduction, but rather dealt with the substance of a treaty; it was a statement of purposes and a justification of the aims of the negotiation; and, because it helped to understand the intentions of negotiators, it had a juridical force for the purposes of interpretation.<sup>565</sup>

The preamble reinforced the dualistic function of drugs: being both “indispensable for the relief of pain”<sup>566</sup> and causing “addiction [that] constitutes a serious evil”.<sup>567</sup> This duality has been a crucial part of the international drug control system, which aims to both provide necessary access to pain relief and eliminate the trade and use of drugs for non-medical and non-scientific purposes. Initially it was suggested that the secretariat to the conference would produce a draft preamble, but a number of states wanted to play a part in the drafting process.<sup>568</sup> Two committees put forward drafts: committee one consisted of Brazil, Canada, France, India, Ghana and Poland, and committee two consisted of the Netherlands, Pakistan and the USA. When it came to debating the two drafts, Robert Curran (chairman of the drafting committee and Canadian representative) suggested that the first committee’s draft should be used as the core document and then additions from the second version could be added in as appropriate.<sup>569</sup> Analysis of the discussions during drafting process for the

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<sup>563</sup> United Nations, *The Single Convention*, p. 11.

<sup>564</sup> Sanford Levinson, ‘Do Constitutions Have a Point? Reflections on “Parchment Barriers” and Preambles’, *Social Philosophy and Policy*, Vol. 28: 1, 2011, p. 158; Mark McKenna, Amelia Simpson, and George Williams, ‘First words: The Preamble to the Australian Constitution’, *University of New South Wales Law Journal*, Vol. 24: 2, 2001, pp. 382-83.

<sup>565</sup> United Nations, E/CONF.34/24-e, pp. 19-20.

<sup>566</sup> United Nations, *The Single Convention*, p. 11.

<sup>567</sup> United Nations, *The Single Convention*, p. 11.

<sup>568</sup> United Nations, E/CONF.34/24-e, pp. 19-20.

<sup>569</sup> United Nations, E/CONF.34/24-e, p. 187.

preamble are illustrative of the intersubjective relationships between elements of the securitizing agent. The final version of the 1961 preamble was based predominantly on the first committee's draft<sup>570</sup> with some important additions from the second committee. It was the second committee that proposed the inclusion of reference to "the grave social and economics evils produced by narcotic addiction and illicit traffic...".<sup>571</sup> Acknowledgement of illicit traffic was eventually dropped in favour of reference to addiction being a "serious evil" that causes "social and economic danger to mankind".<sup>572</sup> The second committee also recommended adding a clause noting the competence of the UN in "the field of narcotics control", which was accepted.<sup>573</sup> The two drafts of the preamble also highlighted the contrasting views of those that wanted to only emphasise the negative aspects of drugs and those that felt it necessary also to recognise the importance of legitimate, medical and scientific use.<sup>574</sup> Whilst the Netherlands, Pakistan and the US emphasised the danger posed by illicit traffic and addiction, Brazil, Canada, France, India, Ghana and Poland highlighted the fact that drugs were essential medicines as well as being potentially addictive. The first committee's draft emphasised that the convention was concerned about the "social and moral welfare of mankind",<sup>575</sup> and that drugs were "still indispensable for the relief of pain and suffering...", but also highlighted that "addiction to narcotic drugs constitutes a serious evil".<sup>576</sup> Both committees referenced the need to restrict drugs to medical and scientific use. The first committee called for "provisions for the controlled use of drugs for medical and scientific purposes",<sup>577</sup> whereas the second committee's draft was far more specific in its ambitions, stipulating the determination to "limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and

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<sup>570</sup> E/CONF.34/L.33 in, United Nations, *Official Records of the United Nations Conference for the adoption of a Single Convention on Narcotic Drugs. Volume II: Preparatory documents, amendments and miscellaneous papers, Proceedings of Committees, Final Act, Single Convention and Schedules Resolutions*, E/CONF.24/34-Add.1, (United Nations: New York, 1964), p. 297.

<sup>571</sup> E/CONF. 34/L.42 in United Nations, E/CONF.24/34-Add.1, p. 297.

<sup>572</sup> United Nations, *The Single Convention*, p. 11.

<sup>573</sup> United Nations, E/CONF. 34/L.42 in E/CONF.24/34-Add.1, p. 297.

<sup>574</sup> Christopher Hobson, 'Challenging 'evil': Continuity and Change in the Drug Prohibition Regime', *International Politics*, Vol. 51: 4, 2014, p. 533.

<sup>575</sup> United Nations, E/CONF.34/L.33 in E/CONF.24/34-Add.1, p. 297.

<sup>576</sup> United Nations, E/CONF.34/L.33 in E/CONF.24/34-Add.1, p. 297.

<sup>577</sup> United Nations, E/CONF.34/L.33 in E/CONF.24/34-Add.1, p. 297.

possession of narcotic drugs".<sup>578</sup> Although this wording was dropped from the preamble, it was included in Article 4, the General Obligations.<sup>579</sup>

Whilst discussing the two drafts of the preamble, a representative from the USSR noted that he preferred the first of the two drafts because it emphasized the "social evil of drug addiction", but the Peruvian representative suggested that the reference in the first draft to "moral welfare" was inappropriate as he viewed the Convention as being more concerned with health.<sup>580</sup> The representative from the Holy See, by contrast, said he would support the preamble only if the word "welfare" in the first paragraph was understood to mean both moral and social welfare.<sup>581</sup>

The preamble was also discussed during the 1972 conference to amend the Single Convention, when the Afghan and Ivory Coast representatives suggested an amendment to the preamble. This amendment concerned technical and financial support for developing countries and its first paragraph stated that "that assistance to developing countries is a concrete manifestation of the will of the international community to honour the commitment contained in the United Nations Charter to promote the social and economic progress of all peoples".<sup>582</sup> This amendment was eventually dropped, however, and instead incorporated into the convention as a separate resolution (Resolution II) and a new article (article 14*bis*), giving low income countries access to much needed financial and practical support for their domestic drug control policies. Therefore, this assistance helped shape the direction of these states' national drug strategies.

As can be seen from the above analysis, there were competing views as to what aspects of the 'drug problem' should be emphasised in the preamble and these views reflect the concerns of the national representatives. The members of the second committee wanted to emphasise the social and economic threats posed by illicit trafficking and the 'evil' of drug addiction, as well as the need to limit drugs exclusively to medical and scientific purposes. Whereas those on the first committee were more concerned with reaffirming the need for access to pain relief whilst also acknowledging that addiction

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<sup>578</sup> United Nations, E/CONF. 34/L.42 in E/CONF.24/34-Add.1, p. 297.

<sup>579</sup> United Nations, *The Single Convention*, 16.

<sup>580</sup> United Nations, E/CONF.34/24-e, p. 187.

<sup>581</sup> United Nations, E/CONF.34/24-e, p. 214.

<sup>582</sup> United Nations, E/CONF.63/L.7, in United Nations, *Official Records of the United Nations Conference to Consider Amendments to the Single Convention on Narcotic Drugs, 1961. Volume I: Preparatory and Organizational Documents, Main Conference Documents, Final Act and Protocol Amending, the Single Convention on Narcotic Drugs, 1961, Annexes*, E/CONF.63/10-e, (United Nations: New York, 1974), p. 99.

caused 'evil' to the social and moral welfare of humankind. Analysing the difference versions of the preamble therefore highlights the contestation over the nature of drugs that occurred during the plenipotentiary conference in a way would not be apparent if only the final draft was studied.

### 2.1.1. The referent object

The preamble of the Single Convention focused on damage done by drugs to individuals and society; therefore, it concerned itself with the security of humankind.<sup>583</sup> The preamble clearly articulates the idea that international drug control was a "universal" goal that requires "international co-operation" and adherence to "common objectives".<sup>584</sup> This emphasis on the need for international cooperation has been an important element of the drug control system since the 'foundational treaties' (see Chapter Three). During the formative years of the international drug control system, US representatives had compared the 'drug threat' to slavery<sup>585</sup> and atomic weapons.<sup>586</sup> They argued that international cooperation had ended slavery and could therefore eliminate the drug problem. Once international cooperation on drug control had been established, they argued that it was so successful that it could be used as a model for control of atomic weapons and energy. Furthermore, by comparing the nascent drug control system with the ending of slavery in the nineteenth century, the US portrayed their ambitions for an end to non-medical/non-scientific use of drugs as a moral good. These comparisons also helped create a strong idea of the referent object: humanity/the 'global self'. The preamble to the Single Convention reinforced this idea of drug control being a "humanitarian

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<sup>583</sup> Emily Crick, 'Drugs as an Existential Threat: An Analysis of the International Securitization of Drugs', *International Journal of Drug Policy*, Vol. 23, 2012, p. 408.

<sup>584</sup> United Nations, *The Single Convention*, p. 11.

<sup>585</sup> International Opium Commission, *Report of the International Opium Commission* p. 44.

<sup>586</sup> Herbert May, a US representative on the Permanent Central Opium Board (PCOB), noted that the international drug control system was such a successful example of global cooperation that, as early as 1932, the League of Nations prepared an article on the 'Analogies between the problem of Traffic in Narcotic Drugs and that of the Trade in and Manufacture of Arms'. See, May, 'Evolution', [online]; and The League of Nations, *Conference for the Reduction and Limitation of Armaments: Analogies Between the Problem of the Traffic in Narcotic Drugs and That of the Trade in and Manufacture of Arms*, Official No.: Conf. D. 159, (Geneva: The League of Nations, 1933).

endeavour”<sup>587</sup> by framing it as being concerned with the “health and welfare of mankind”.<sup>588</sup> This also reflected the wishes of the UN Secretary-General, Trygve Lie, who had asked that the convention reaffirm the humanitarian intentions of the League of Nations treaties.<sup>589</sup> Reference to the humanitarian objectives of the Single Convention was also regularly made during the plenipotentiary conference.<sup>590</sup> The preamble and the convention itself, therefore, strengthened the idea of a ‘global self’ by claiming to protect the welfare of humankind against the “social and economic danger” of addiction to, or ‘abuse’ of, drugs.<sup>591</sup> Giving both past and future examples of successful international cooperation on behalf of humankind further reinforced the legitimacy of the ‘global self’ as something that needed to be protected.

Bewley-Taylor and Jelsma argue that using the term “health and welfare of mankind”<sup>592</sup> in the preamble also strengthened the idea of the ‘global self’ by framing the work of international drug control as being more important than individual state interests.<sup>593</sup> The Single Convention required states to relinquish even more national control than the ‘foundational treaties’ had done and this was a cause for long debates during the drafting process. Certain states – particularly those in the Soviet Bloc<sup>594</sup> – established reservations with regard to articles that reinforced the power of the international drug control bodies over states, particularly those that gave the Permanent Central Opium Board (PCOB) the right to question states’ estimates (Article 12, final draft) and statistical returns (Article 13, final draft). Despite these reservations and those relating to ‘traditional use’, most states were willing

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<sup>587</sup> League of Nations, ‘International Opium Convention Signed at The Hague January 23, 1912 - No. 222’, in League of Nations *Treaty Series Publication of Treaties and International Engagements Registered With the Secretariat of the League of Nations* Vol. 8, Nos. 1-4, 1922, p. 189.

<sup>588</sup> United Nations, *The Single Convention*, p. 11.

<sup>589</sup> Hobson, p. 533.

<sup>590</sup> Hobson, p. 533.

<sup>591</sup> Herschinger, *Constructing Global Enemies*, pp. 73-74.

<sup>592</sup> United Nations, *The Single Convention*, p. 11.

<sup>593</sup> David Bewley-Taylor and Martin Jelsma, *Fifty Years of the 1961 Single Convention on Narcotic Drugs: A Reinterpretation*, Series on Legislative Reform of Drug Policies No. 12, (Amsterdam: Transnational Institute, March 2011), p.6.

<sup>594</sup> Including Hungary, Byelorussia, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic and the United Soviet Socialist Republic (USSR).



to accede to the Single Convention in order to be seen as being part of the ‘global self’, rather than outside it.<sup>595</sup>

As discussed in Chapter Two, Buzan et al. argue that it is hard to create a global referent object because it is rare that actors have enough legitimacy to speak for the whole of humanity;<sup>596</sup> however, in the case of the Single Convention, the ‘global self’, ‘free from drugs’<sup>597</sup> has been exceptionally well established as an international consensus. From the very beginning, the Single Convention’s universality was one of its key tenets and the British representative argued clearly that it was essential that the Single Convention was supported by the widest number of states possible, even if this meant “leaving out desirable provisions”.<sup>598</sup> At the 1962 Commission on Narcotic Drugs (CND) meeting, during the push for ratification of the convention, the general consensus was that the Single Convention’s universality was a major improvement over the 1953 Opium Protocol,<sup>599</sup> as will be discussed in more detail later in this chapter.

### **2.1.2. The existential threat**

The existential threat as laid out in the preamble of the Single Convention was ‘addiction to drugs’, but in the convention itself, the threat was all non-medical/non-scientific use, as well as drug production and trafficking (see Table 1. the Drug Control *Dispositif*, p. 18). This expansion of the threat is explicit in the 1972 Amending Protocol with the conflation of illicit drug use/drug abuse and addiction, as will be discussed below. As mentioned in the previous chapter, the ‘foundational treaties’ created a framework of international control for the licit production and trade in drugs. However, there has always been a lack of agreement as to what constituted ‘legitimate’ or ‘medical and scientific use’ (see Chapter Three). Even during the Single Convention plenipotentiary conference, some representatives were concerned that there was no universal definition about what the terms meant.<sup>600</sup> However, it was argued that because these terms had been in use since the 1925

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<sup>595</sup> Herschinger, *Constructing Global Enemies*, p. 75.

<sup>596</sup> Buzan et al., p. 36.

<sup>597</sup> In 1998 the UN General Assembly Special Session (UNGASS) on Drugs used the slogan “A drug-free world, we can do it”. See, United Nations International Drug Control Programme, *General Assembly Twentieth Special Session: World Drug Problem, 8-10 June 1998*, United Nations, 1998) [online]. Available from: <http://www.un.org/ga/20special/> (accessed 15/08/17).

<sup>598</sup> E/CONF.34/24-e, p. 4.

<sup>599</sup> McAllister, p. 217.

<sup>600</sup> United Nations, E/CONF.34/24/Add.1, p. 123.

Convention, they were deemed to be sufficiently recognisable to remain.<sup>601</sup> Adolf Lande, the Deputy Executive Secretary for the conference, suggested that they adopt a resolution to define the term ‘medical and scientific’, but this proposal was not followed up.<sup>602</sup>

During the plenipotentiary conference discussions about Article 30 (third draft), which concerned ‘medical and scientific purposes’, raised concerns for Indian and Pakistani representatives who feared that it would delegitimise their indigenous medical practices.<sup>603</sup> After some debate, it was agreed that “indigenous medicine would be treated in exactly the same way as ... other forms of medicine.”<sup>604</sup> Despite this agreement, the West German representative suggested that Article 56 (third draft), which concerned reservations for states that wished to allow ‘quasi medical’ use, might satisfy the Indians and Pakistanis in this context.<sup>605</sup> The commentary to the 1972 Amending Protocol confirmed this understanding of the term ‘licit purposes’, which it notes “covers not only medical and scientific purposes, but also quasi-medical use of opium and opium smoking in cases in which by virtue of an appropriate reservation pursuant to article 49 opium production for such non-medical use is authorized.”<sup>606</sup> However these articles only permitted ‘quasi medical’ use on a temporary basis,<sup>607</sup> which points to a privileging of Western medicine over other forms of medicine, reflecting the overall Western-centric direction of the convention.<sup>608</sup>

In order to understand the precise nature of the existential threat as conceptualised within the Single Convention, it is necessary to unpack what was meant by “addiction to narcotic drugs”.<sup>609</sup> This raises a number of questions: what drugs were being identified as a threat?; what was meant by ‘addiction’?; and, did the convention recognise that not all non-medical/non-scientific (recreational) use leads to

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<sup>601</sup> United Nations, E/CONF.34/24/Add.1, p. 123-4.

<sup>602</sup> United Nations, E/CONF.34/24-e, p. 25.

<sup>603</sup> United Nations, E/CONF.34/24-e, p. 26.

<sup>604</sup> United Nations, E/CONF.34/24-e, p. 26.

<sup>605</sup> United Nations, E/CONF.34/24-e, p. 25.

<sup>606</sup> United Nations, *Commentary on the Protocol Amending the Single Convention on Narcotic Drugs, 1961*, E/CON.7/588, (New York: United Nations, 1976), p. 61.

<sup>607</sup> United Nations, *Third Draft of the Single Convention on Narcotic Drugs*, E/CN.7/AC.3/9, (Vienna: Commission on Narcotic Drugs, September 1958), p. 20; Article 49 of the finalised version of the Single Convention set a deadline of 15 years for the elimination of ‘quasi-medical’ use of opium and 25 years for cannabis and coca use. Over 50 years later, these deadlines have still not been met.

<sup>608</sup> Nadelmann, p. 503; Sánchez-Avilés and Ditrych, p. 14.

<sup>609</sup> United Nations, *The Single Convention*, p. 11.

addiction? The substances themselves are clearly set out in the schedules of the convention. There are four schedules that indicate the levels of control required: drugs in Schedule IV were deemed to be “particularly liable to abuse and to produce ill effects... and that such liability is not offset by substantial therapeutic advantages”.<sup>610</sup> Schedule IV drugs were considered the most dangerous and were subject to the strictest levels of control. This meant that any signatory state could

if in its opinion the prevailing conditions in its country render it the most appropriate means of protecting the public health and welfare, prohibit the production, manufacture, export and import of, trade in, possession and use of any such drug except for amounts which may be necessary for medical and scientific research only...<sup>611</sup>

These drugs then, were seen as the most threatening but the General Obligations (Article 4, final draft) stipulated that drugs in all the schedules should be limited exclusively to medical and scientific purposes only.<sup>612</sup> Therefore, despite the different schedules, the importance placed on the ‘General Obligations’ show that it was not the drugs themselves that were a threat, indeed in certain situations they were “indispensable for the relief of pain and suffering”,<sup>613</sup> but rather certain using behaviours, i.e. the non-medical/non-scientific use of drugs and the production and trade that supplied it, as well as addiction to these substances. In 1955, Herbert May had noted that there was no universal definition of “addiction-producing drugs”, and that it was very difficult to settle upon a single definition “which is sufficiently accurate both scientifically and for legislative purposes.”<sup>614</sup> However, he argued that because the drugs concerned had been listed by the drug control bodies, there was no need for “a scientific definition of the term “drug addiction” in the new convention”.<sup>615</sup> This lack of clarity over the term ‘addiction’, ‘addiction-producing drugs’, and as mentioned earlier, ‘medical and scientific’ use, is particularly pertinent here because it illustrates the conflation between illicit drug use and addiction to drugs that is prevalent throughout the UN conventions. The World Health Organization’s (WHO) Expert Committee on Addiction-Producing Drugs, the body that made recommendations on drug scheduling in the conventions, attempted to create a scientific rationale for which drugs should be controlled in 1957 when they defined the terms ‘addiction’ and

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<sup>610</sup> United Nations, *The Single Convention*, p. 15.

<sup>611</sup> United Nations, *The Single Convention*, p. 13.

<sup>612</sup> United Nations, *The Single Convention*, p. 16.

<sup>613</sup> United Nations, *The Single Convention*, p. 11.

<sup>614</sup> May, ‘Comments and Possibilities’, [online].

<sup>615</sup> May, ‘Comments and Possibilities’, [online].

‘habituation’.<sup>616</sup> They noted that “Addiction-producing drugs need strict control, national and international” but “habit-forming drugs” did not need to be controlled internationally. This then recognises a distinction between distinct types of drugs although not different types of use.<sup>617</sup> In 1964 the Expert Committee found that these differentiations were no longer scientifically viable. They abandoned the terms ‘addiction’ and ‘habituation’ in favour of ‘drug dependence’ which could be “applied to drug abuse generally”.<sup>618</sup> However global norms surrounding the terms ‘addiction’ and ‘dependence’ were not clearly established. It has even been argued that the concepts of addiction/dependence are in fact merely the rationale for the international drug control system rather than being critical issues themselves<sup>619</sup> and also that they have been shaped by specific moral and cultural imperatives.<sup>620</sup>

As well as a lack of clarity around the terms ‘addiction’ and ‘medical and scientific’ use, there was little recognition in the Single Convention that not all non-medical use caused addiction. This is despite the WHO recognising that there was a difference between habituation, dependence and addiction. One of the few references to recreational drug use occurred when the Egyptian representative identified the three stages of hashish usage: he argued that at first the user participates in drug taking with friends, this then leads to the second stage where drug use becomes a habit, and finally this leads to addiction; he did recognise that during the first and second stages the user could give up the habit but in the latter stage it became much harder.<sup>621</sup> Other than this example, all non-medical/non-scientific drug use was conflated with addiction and therefore threatening. The 1972 Amending Protocol made this conflation explicit with the change of Article 38’s title from “treatment of drug addicts” to “measures to prevent drug abuse”.<sup>622</sup> The commentary to the amended article noted that “the essence of the Single Convention...” is a “system of administrative controls and penal sanctions

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<sup>616</sup> World Health Organization (WHO), *Expert Committee on Addiction Producing Drugs, Seventh Report*, Technical Report Series No. 116, (Geneva: WHO, 1957), pp. 9-10.

<sup>617</sup> WHO, *Seventh Report*, p. 14.

<sup>618</sup> World Health Organization (WHO), *Expert Committee on Addiction Producing Drugs, Thirteenth Report*, Technical Report Series No. 116, (Geneva: WHO, 1957), p. 9.

<sup>619</sup> Robin Room, ‘Addiction Concepts and International Control’, in *Global Drug policy: Building a New Framework*, (Paris: Senlis Council, 2003), p. 18.

<sup>620</sup> Robin Room, ‘The Cultural Framing of Addiction’, *Janus Head*, Vol. 6; 2, 2003, pp. 221-223; Windle, ‘How the East Influenced Drug Prohibition’, pp. 1189-1191.

<sup>621</sup> United Nations, E/CONF.34/24-e, p. 104.

<sup>622</sup> United Nations, *Commentary on the Protocol Amending the Single Convention*, pp. 83-84.

established for the purpose of keeping narcotic drugs from actual or potential victims..."<sup>623</sup> and that "The article under consideration deals with measures to be applied to individuals abusing narcotic drugs..."<sup>624</sup> Furthermore, the article is concerned not only with those that use drugs illicitly, "but also to that of particular groups whose members are specially prone to abuse them."<sup>625</sup> This points to the fact that by 1972 it was not just the drugs that were a threat, but specific users, or potential users, that were seen as threatening, thus reinforcing both the 'othering' of drug users and also the legitimate profiling of some people or sub-cultures as likely to be potential users. Whilst the Single Convention and the 1972 Amending Protocol were framed as tools to protect humankind from the most damaging forms of drug use, data from the UN suggests that only 10% of non-medical/non-scientific drug users are "problem drug users".<sup>626</sup>

### **2.1.3. 'Extraordinary measures'**

As has been discussed in Chapter Two, security politics and the management of risk do not always involve 'extraordinary/emergency measures'; rather, they are moved along a continuum of risk/fear.<sup>627</sup> This means that 'emergency measures' are more likely to result in policies of containment such as policing or customs controls rather than military action.<sup>628</sup> The Single Convention proposed policies of containment that established the prohibition of the unauthorised production and trade in drugs as well as to limit specific drug using behaviours. By encouraging states to institute prohibition, the Single Convention limited the range of policies allowed to deal with the 'drug problem' and its outcomes.<sup>629</sup>

One of the Americans' principle concerns, when drafting the convention, was the lack of controls over the production of raw opium, which had not been addressed in the 'foundational treaties'.<sup>630</sup> The US position was summarised by US representative to the PCOB, Herbert May, who noted that

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<sup>623</sup> United Nations, *Commentary on the Protocol Amending the Single Convention*, p. 83.

<sup>624</sup> United Nations, *Commentary on the Protocol Amending the Single Convention*, p. 83.

<sup>625</sup> United Nations, *Commentary on the Protocol Amending the Single Convention*, p. 86.

<sup>626</sup> Costa, p. 3.

<sup>627</sup> Abrahamsen, p. 59.

<sup>628</sup> Abrahamsen, p. 71.

<sup>629</sup> Hobson, p. 526.

<sup>630</sup> May, 'Evolution', [online].

The present international legislation relating to the control of narcotic drugs has left two important loopholes: Opium smoking was to be suppressed gradually. There was no total prohibition; There was no provision for the strict limitation of the production of raw opium and of the coca leaf to medical and scientific needs.<sup>631</sup>

Because it was recognised that simplifying the treaty system would take some time, it was suggested that an interim convention should be drawn up to deal with the issue of the production of raw opium until the Single Convention was completed.<sup>632</sup> This interim treaty was to become the 1953 Opium Protocol. However, many of its provisions were considered so controversial that it did not enter into international law until after the Single Convention was signed. The most contentious of its provisions were included in the third draft of the Single Convention but were largely rejected in the final draft, as will be discussed below. Leon Steinig, a member of the Drug Supervisory Board (DSB), proposed the creation of an International Opium Monopoly, which he thought could then be used as a model for the control of nuclear material.<sup>633</sup> The opium monopoly was rejected but the idea of strictly limiting production was incorporated into the Opium Protocol which stipulated that only seven named countries could produce opium – something that was included in the third draft of the Single Convention but jettisoned from the final draft. Producer states would be required to submit estimates to the DSB of how much was planted, harvested, used domestically and exported and they would also have to submit annual statistics to the PCOB. The Board would then have the power to investigate and take punitive action such as imposing mandatory embargoes if production exceeded world demand. These proposals were also included in the third draft of the Single Convention but dropped in the final version.<sup>634</sup> Harry Anslinger, US representative at the CND, made sure that the protocol stipulated that production and use should be limited strictly to medical and scientific purposes only.<sup>635</sup>

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<sup>631</sup> May, 'Evolution', [online].

<sup>632</sup> In a report entitled *Report on the Single Convention on Narcotic Drugs 1961 and Comparative Analysis of the Single Convention, 1961 and the Protocol of 1953* produced by the US State Department at the request of William J. Fulbright (chairman of the US Senate Committee on Foreign Affairs) in 1961, the author argues that "the Protocol was conceived as an interim agreement to continue in effect until the successful conclusion of ... the Single Convention", p. 17. US National Archives (Washington D.C.), SFO-T.5 (Senate Committee of Foreign Relations, 90<sup>th</sup> Congress), Box labelled 'Single Convention'; the protocol is also referred to as an interim treaty by Herbert May in his 1950 article. See, May, 'Evolution', [online].

<sup>633</sup> McAllister, p. 173.

<sup>634</sup> McAllister, p. 181.

<sup>635</sup> McAllister, p. 181.

The British and the Canadians however, were not convinced that opium producing countries such as Iran, Turkey, India and Yugoslavia would sign up to the 1953 Opium Protocol because of its onerous provisions on production.<sup>636</sup> As will be seen later in this chapter, increased powers for the drug control bodies, the restriction of opium and coca production and punishment for those states that overproduced were deemed to be crucial for the Americans and other like-minded states in order to mitigate the 'drugs threat'. Anslinger and his allies did their utmost to get the provisions from the 1953 Opium Protocol incorporated into the Single Convention, but largely failed. The Single Convention did, however, go further than previous treaties in limiting the production, trade and use of drugs to medical and scientific purposes only. The convention therefore represented a shift in the orientation of the drug control *dispositif* from a regulatory framework to a prohibitionist one.<sup>637</sup> Whilst prohibition of drugs was not mandatory, restricting drugs use to medical and scientific purposes was,<sup>638</sup> although the term was left open to some interpretation. Despite there being no categorical commitment to prohibition in the convention, over time it did become the overriding tool to deal with the 'drug threat', therefore reorienting the drug control *dispositif*. As states incorporated the Single Convention into their domestic legal systems, the prohibition paradigm prevailed, as will be seen later in this chapter.

In the case of drug policy, the 'emergency measures' themselves have created severe 'unintended consequences' such as a huge criminal black market, policy displacement, geographical displacement (the 'balloon effect' whereby tighter controls in one territory shift the market to another location), substance displacement and discrimination against users, as Antonio Maria Costa (then head of the UNODC) noted in 2008.<sup>639</sup> In a successful securitization, such unintended consequences, however, are often ignored or dismissed as minor concerns. As Grayson notes in relation to US foreign policy

With all the diverse aspects of the 'War on Terror' and the 'War on Drugs', human rights abuses, human suffering and loss of life seem to be largely unproblematic for US policymakers as long

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<sup>636</sup> McAllister, p. 179.

<sup>637</sup> Martin Jelsma, 'The Development of International Drug Control: Lessons Learned and Strategic Challenges for the Future', working paper prepared for the *first meeting of the Global Commission on Drug Policies*, Geneva, 24-25th January 2011, (Geneva: Global Commission on Drug Policies, 2011), p. 4.

<sup>638</sup> United Nations, *The Single Convention*, p. 16.

<sup>639</sup> Costa, 2008, pp. 10-11.

as the United States, its interests and important segments of domestic population remain secure.<sup>640</sup>

This perspective has often been mirrored at the UN where, until recently, the negative impacts of the international drug control system have been downplayed. This situation is beginning to change however, as Chapter Six will discuss.

## **2.2. The discursive and rhetorical strategies**

There were a number of different, but related, rhetorical strategies that were carried out throughout the period of the 'foundational treaties' and the drafting process for the Single Convention that contributed to the securitization process. In the early period, some states argued that drug use was a moral failing. For example at the Geneva conference one of the US representatives, Stephen Porter, argued that "heroin addicts spring from sin and crime".<sup>641</sup> However, by the Single Convention plenipotentiary conference, the idea that addiction was a moral failing was becoming merged with the disease metaphor: drug addiction was described as a "morbid habit"<sup>642</sup> that was "contagious"<sup>643</sup> and addicts needed treatment in closed institutions due to their tendency to "convert" or "corrupt" others.<sup>644</sup> Whilst some states<sup>645</sup> argued that drug addiction was a disease, others<sup>646</sup> claimed it was a social problem caused by poverty, lack of education and employment, poor diet or the capitalist system,<sup>647</sup> and a few<sup>648</sup> claimed that it was predominantly a criminal issue.

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<sup>640</sup> Kyle Grayson, 'Securitization and the Boomerang Debate: A Rejoinder to Liotta and Smith-Windsor', *Security Dialogue*, Vol. 34: 3, 2003, p. 339.

<sup>641</sup> Musto, p. 201.

<sup>642</sup> By the Americans and Canadians. United Nations, E/CONF.34/24-e, pp. 105-06.

<sup>643</sup> USA representative. United Nations, E/CONF.34/24-e, p. 103.

<sup>644</sup> Indian representative. United Nations, E/CONF.34/24-e, p. 106.

<sup>645</sup> Such as Sweden, Iran, Uruguay, Burma, Denmark and Mexico.

<sup>646</sup> Such as Mexico, Morocco and the Soviet Bloc.

<sup>647</sup> See statements by the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic. United Nations, E/CONF.34/24-e, p. 104 and p. 110.

<sup>648</sup> Canada, Greece, China.



Framing drug use as an issue of “health and welfare of mankind”<sup>649</sup> reinforced the idea that drug control was a “humanitarian endeavour”.<sup>650</sup> This was a powerful rhetorical strategy to establish the ‘global self’ as a referent object, as discussed earlier. During the 1909 Shanghai Opium Commission members compared the need for drug control with the ending of slavery and flattered the British by praising their role in eliminating it: US representative Hamilton Wright noted that

we have concluded that the traffic in opium for other than necessary uses ought not much longer to continue, or, there will loom between East and West a problem that in its magnitude and potentialities for strife will outstrip the magnitude and forces of the long since, and happily settled, slavery question. The slavery question agitated the civilised world... in spite of the great example set us by the British Government in voluntarily freeing the slaves in her colonies...<sup>651</sup>

US representatives used slavery as an example of global cooperation and urged the same for drug control. By using pre-existing narratives of global cooperation against a trade deemed immoral they reinforced the idea that such cooperation was morally right. By then arguing that international cooperation in the field of drugs was so successful that it could be a template for weapons and nuclear material, the impression was given that the drug control system was a viable working model.<sup>652</sup> The Single Convention, then, was portrayed as being both essential for strengthening an already successful control system and an important ‘humanitarian’ act.

Just as the referent object was powerfully constructed through rhetorical strategies linking drug control with international cooperation to end slavery and the proliferation of atomic materials, the existential threat was equally forcefully articulated. In stating that “addiction to narcotic drugs constitutes a serious evil for the individual and is fraught with social and economic danger to mankind”,<sup>653</sup> the preamble of the Single Convention uses Schmittian language of enmity and exclusion to identify the threat - “addiction to narcotic drugs” - as being “evil”.<sup>654</sup> By labelling something as ‘evil’,

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<sup>649</sup> United Nations, *The Single Convention*, p. 11.

<sup>650</sup> British Government, *The International Opium Convention, 1912, and Subsequent Relative Papers, Treaty Series, 1921, No. 17, Presented to Parliament by Command of His Majesty*, (His Majesty's Stationery Office: London), 1921, p. 235.

<sup>651</sup> International Opium Commission, *Report of the International Opium Commission*, p. 44.

<sup>652</sup> The League of Nations, *Conference for the Reduction and Limitation of Armaments*. May, ‘Evolution’, [online].

<sup>653</sup> United Nations, *The Single Convention*, p. 11.

<sup>654</sup> United Nations, *The Single Convention*, p. 11.

actors are able to impose harsh measures to eliminate the threat;<sup>655</sup> the term also, if accepted, helps legitimise ‘extraordinary measures’.<sup>656</sup> This identification of something as ‘evil’, means that a moral judgement is being made about it which leads to an extreme form of ‘othering’.<sup>657</sup> This form of moral framing situates the object of evil as outside of normal politics and therefore allows for measures to be proposed that would otherwise not have been acceptable.<sup>658</sup> Whilst the use of the term ‘evil’ in the Single Convention is not totally unique, it has only been used in one other UN convention – the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others<sup>659</sup> - which also has moral overtones. The word is not used in other conventions that deal with human rights abuses such as genocide, torture, slavery or apartheid.<sup>660</sup> During the plenipotentiary conference great emphasis was placed in creating a treaty that could be amenable to as many states as possible and all decisions required a majority of two-thirds in order to pass, therefore, the inclusion of the word ‘evil’ becomes even more significant.<sup>661</sup> Indeed, the use of the term ‘evil’ was not seen as controversial<sup>662</sup> and was commonly used at the conference.<sup>663</sup> As well as being associated with ‘evil’, it was argued by US representative Harry Anslinger that drugs

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<sup>655</sup> Sheikh, pp. 492-493.

<sup>656</sup> Sheikh, p. 496.

<sup>657</sup> Hobson, p. 528.

<sup>658</sup> Hobson, p. 528.

<sup>659</sup> This convention states that, “Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community”. United Nations, *1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*, (New York: United Nations, 1949).

<sup>660</sup> Rick Lines, ‘Deliver Us from Evil? – The Single Convention on Narcotic Drugs, 50 Years On’, *International Journal on Human Rights and Drug Policy*, Vol. 1, April 2011, pp. 8-9.

<sup>661</sup> Hobson, p. 531.

<sup>662</sup> Hobson, p. 532.

<sup>663</sup> The countries that used the term ‘evil’ in relation to drugs/opium, drug trafficking or addiction were: the Netherlands, Iran, Dahomey (Benin), Denmark, Bulgaria, USSR, United Arab Republic, China, Uruguay, Canada, Byelorussia Soviet Socialist Republic, UK, Poland, India and Turkey. See, United Nations, E/CONF/34/24-E.

had taken more lives than hydrogen bombs would ever do and indeed, as had been stated in the early days of the League of Nations, the problem of the international control of drugs was comparable with and might be related to the question of disarmament.<sup>664</sup>

The idea that drug control was a moral issue and a humanitarian objective fed into the final rhetorical strategy of the securitizing move: that international cooperation was imperative in order for drug control to succeed. The developing international drug control system was praised for “the additional hope it has given to those who believe that organized international co-operation in other fields can best be achieved through the example of functional success such as this.”<sup>665</sup> This idea of the importance of international cooperation continued throughout the development of the drug control system. Indeed during the drafting of the Single Convention much emphasis was made of the need to secure global adherence, to the point that the British representative argued that it would be worth dropping controversial clauses if it meant more states signed the treaty.<sup>666</sup> The importance of near-universal adherence<sup>667</sup> continues to be an achievement of the system: as the United Office on Drugs and Crime (UNODC) has noted, “The entire world agrees that illicit drugs are a threat to health and that their production, trade and use should be regulated: indeed, adherence to the conventions is virtually universal. Ninety six percent of all countries” are parties to the conventions.<sup>668</sup>

### **2.3. Practices that contributed to the securitization process: national and international policies**

Didier Bigo suggests that “routine practices”, for example policing, surveillance and border control policies, carried out by “professional managers of unease” also shape understandings of security themselves rather than merely being practices that are legitimised through previous speech acts (e.g. government policies).<sup>669</sup> The international drug control system legitimised security practices such as policing and border controls by the ‘professional managers of unease’ such as the aforementioned US representative Harry Anslinger. Furthermore, with the collection of data, whether statistics and estimates of legitimate drug stocks, or drug seizures, arrests and areas of drug crop eradication within

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<sup>664</sup> United Nations, E/CONF/34/24-e, p. 57.

<sup>665</sup> May, ‘Evolution’, [online].

<sup>666</sup> United Nations, E/CONF.34/24-e, p. 4.

<sup>667</sup> The only countries not to have ratified the Single Convention are: Equatorial Guinea, Kiribati, Nauru, Samoa, South Sudan, East Timor, Tuvalu, Vanuatu. Of these, Nauru, Samoa, East Timor and Vanuatu have ratified the 1988 UN Convention.

<sup>668</sup> Costa, p. 3.

<sup>669</sup> Bigo, ‘Security and Immigration’, p. 65.

the illicit market, the dichotomy between the licit and illicit market was sharpened. This reinforced the distinction between the 'self' (those not participating in the illicit drug trade) and the 'other' (drug users, producers, traffickers and dealers).<sup>670</sup> These practices played a large part in creating a situation whereby prohibition was seen as the only option for international drug control.

Many of the practices laid out in the Single Convention were not new; they had been set out in the League of Nations treaties. However, these practices reinforced the distinction between licit and illicit drug use, particularly through the scheduling system.<sup>671</sup> As the Single Convention's articles were incorporated into domestic law, the drug control *dispositif* began to take the shape of a prohibitionist system of control. This section briefly summarises when and how the Single Convention was integrated into the domestic laws of the US, the UK and the Netherlands in order to illustrate some of the differences and similarities in the ways it has been interpreted in various settings. It should be noted, however, that changes in policy in these states reflected perceived changes in patterns of drug use as well as the need to abide by the international drug control system, therefore suggesting that such practices were still subject to 'normal' policy making procedures even after the securitizing move had been accepted. After discussing changes in domestic law, this section then analyses how the acceptance of the 'drugs as a threat' discourse and the practices that were implemented to address this threat have negatively impacted upon access to essential medicines, something enshrined in the Single Convention, in order to illustrate how the drug control *dispositif* became affected by the paradigm of prohibition.

### **2.3.1. The integration of the Single Convention into domestic law – the US, UK and Netherlands**

#### *US*

As has been discussed earlier in this thesis (Chapter Three), the US had instituted a strict form of prohibition through the Harrison Act of 1914. After the Single Convention plenipotentiary conference, the US was deeply disappointed by the final draft because they considered it would weaken the international system and they failed to ratify it until 1967. Richard Nixon won the presidential election in 1968 with a campaign that emphasised law and order.<sup>672</sup> In 1971, he launched his 'war on drugs'<sup>673</sup>

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<sup>670</sup> Bull, p. 88; Herschinger, 'The Drug *Dispositif*', p. 184.

<sup>671</sup> Herschinger, 'The Drug *Dispositif*', pp. 183-201.

<sup>672</sup> Musto, p. 254.

<sup>673</sup> Richard Nixon launched his so-called 'war on drugs' with a speech designating drug abuse as "public enemy number one". See, Richard Nixon, 'Remarks About an Intensified Program for Drug Abuse Prevention and

which focussed on heroin addiction because of concerns about use of the drug amongst soldiers returning from Vietnam.<sup>674</sup> This ‘moral panic’ created fears that US national identity was under threat from those who rejected conventional values.<sup>675</sup> Despite the ‘drug war’ rhetoric of the Nixon administration, they allocated the larger share of the federal drug budget to treatment and education,<sup>676</sup> and expanded methadone maintenance programmes.<sup>677</sup> However, they also created the Drug Enforcement Administration (DEA)<sup>678</sup> in order to strengthen and streamline the federal agencies that dealt with drugs.<sup>679</sup> The Single Convention was incorporated into US federal law through the Comprehensive Drug Abuse and Control Act of 1970. The new law created five schedules - based on the Single Convention’s drug schedules - for drugs that denoted the substances’ dangerousness and risk of causing dependency<sup>680</sup> and established harsher penalties for drug users.<sup>681</sup> Discursively, the Nixon administration remained committed to the ‘drugs as a threat’ discourse, as will be discussed in Chapter Five, even though they allowed opiate maintenance therapy – something that went against the strict interpretation of the Harrison Act (see Chapter Three). Despite allowing for such treatments for dependent users, recreational use was heavily criminalised, and the prison population began to rise.<sup>682</sup> Whilst the Carter administration did not see drug use as a priority, the Reagan administration took a far harsher stance to drug use and trafficking – calling for a return to the abstinence-based policies of the pre-Nixon years (see Chapter Five). The Reagan administration’s approaches to drugs re-shaped the drug control *dispositif* yet again.

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Control’, 17th June 1971, *The American Presidency Project*, Gerhard Peters and John T. Woolley [online].

Available from: <<http://www.presidency.ucsb.edu/ws/?pid=3047>> (accessed 25/03/13).

<sup>674</sup> Weimer, pp. 260-281.

<sup>675</sup> Reinarmann, pp. 156-159; Weimar, p. 261.

<sup>676</sup> Baum, *Smoke and Mirrors*, p. 79; Courtwright, p. 200, p. 159.

<sup>677</sup> Musto, p. 259.

<sup>678</sup> Epstein, p. 251; James M. Van Wert, ‘International Narcotics Control: Bush’s “Other War”: Are We Winning or Losing?’, in *War on Drugs: Studies in the Failure of U.S. Narcotics Policy*, ed. by Alfred W. McCoy and Alan A. Block (Boulder, CO.: Westview Press, 1992), p. 24.

<sup>679</sup> Epstein, pp. 239-241.

<sup>680</sup> Musto, p. 261.

<sup>681</sup> Reinarmann, p. 159.

<sup>682</sup> Emily Dufton, ‘The War on Drugs: How President Nixon Tied Addiction to Crime’, *The Atlantic*, 26<sup>th</sup> March 2012 [online]. Available from: <<https://www.theatlantic.com/health/archive/2012/03/the-war-on-drugs-how-president-nixon-tied-addiction-to-crime/254319/>> (accessed 04/12/07).

The UK signed the Single Convention at the conference in 1961 and ratified it on 2<sup>nd</sup> September 1964. The reason there was a delay in ratification was so that British law could be brought in line with the convention. In 1964 Lord Amulree brought a Private Members Bill in order to amend the Dangerous Drugs Act 1951 (DDA) so that the UK could ratify the Single Convention.<sup>683</sup> In the Hansard debate in the House of Lords about this bill, it was explained that discussion between “the Home Office, the industry and the pharmaceutical organizations”<sup>684</sup> had been necessary in order for the amendments to the DDA to be made. Under previous drugs legislation, all illicit drug offences were treated with the same level of seriousness,<sup>685</sup> however, when the Single Convention was integrated into British domestic policy through the 1971 Misuse of Drugs Act, it established three classes of drugs – A, B and C – reflecting the drug scheduling system of the convention.<sup>686</sup> These categories claim to reflect the “relative harms and the maximum penalties which offences relating to their cultivation, possession and supply attract”<sup>687</sup> although they have been criticised as having “evolved in an unsystematic way from somewhat arbitrary foundations with seemingly little scientific basis”.<sup>688</sup> The British, who were among a number of countries that had argued that heroin should not be subject to a mandatory prohibition during the plenipotentiary conference, continued to use it for pain relief and allow it to be prescribed to problematic users.<sup>689</sup> The medicalised approach that had existed since the 1920s functioned within a ‘medico-penal’ system<sup>690</sup> but was centred around treating the therapeutic addict (who became addicted after being prescribed a substance) and the professional addict (e.g. doctor,

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<sup>683</sup> Hansard, House of Lords Debate 7th April 1964, Vol. 257, cc11-911 [online]. Available from:

<<http://hansard.millbanksystems.com/lords/1964/apr/07/dangerous-drugs-bill>> (accessed 24/08/12).

<sup>684</sup> Hansard HL Deb 07 April 1964 vol. 257 cc11-911.

<sup>685</sup> Home Office, *Review of the UK’s Drugs Classification System - a Public Consultation*, Home Office Crime and Drug Strategy Directorate May 2006 [released under Freedom of Information legislation, 2010] [online].

Available from:

<[http://www.drugquality.org/files/Review\\_of\\_Drugs\\_Classification\\_Consultation\\_Paper.pdf](http://www.drugquality.org/files/Review_of_Drugs_Classification_Consultation_Paper.pdf)> (accessed 08/11/17).

<sup>686</sup> Steve Rolles, and Fiona Measham, ‘Questioning the method and utility of ranking drug harms in drug policy’, *International Journal of Drug Policy*, Vol. 22: 4, 2011, p. 245.

<sup>687</sup> Home Office, *Review of the UK’s Drugs Classification System*, p. 3.

<sup>688</sup> Nutt et al., p. 1047.

<sup>689</sup> United Nations, E/CONF.34/24-e, p. 4.

<sup>690</sup> Berridge, ‘The ‘British System’ and its History’, p. 7.

pharmacist, vet, nurse etc. who became addicted in the course of professional life).<sup>691</sup> The 'British System' was challenged in the 1960s by the growth of recreational drug use by young people because they did not fit with the idea of the therapeutic or professional addict; this created a dichotomy between the 'deserving addict' and the 'undeserving addict'.<sup>692</sup> By the 1960s, the rise of recreational use led to the medicalisation approach being challenged.<sup>693</sup> The Second Interdepartmental Committee on Drug Addiction (the second Brain Committee) recommended that GPs should no longer be central to treating addicts; instead, this role should be given to psychiatrists within fixed settings such as the Drug Dependency Clinic.<sup>694</sup> Also during this period, the prescription of heroin maintenance largely disappeared and methadone became the preferred opiate substitution therapy (OST).<sup>695</sup> Whilst dependent users were offered treatment, other recreational users were criminalised. The UK prohibited non-medical drug use although it was not until the 1980s, when heroin use rose rapidly and the links to HIV became known, that the government began to discursively construct drugs (heroin) as a threat. Even then, the government allowed for experimentation with harm reduction programmes as a response to the threat, as will be seen in Chapter Six. The UK also experimented with the reclassification of cannabis – from a Class B drug to a Class C - between 2004 and 2008 but this move was criticised strongly by Philip Emafo, the head of the International Narcotics Control Board (INCB) at the time.<sup>696</sup> The Labour government reversed their decision, against the advice of their own advisory committee on drugs, after concerns about links between the drug and mental illness were revived.<sup>697</sup>

### *The Netherlands*

The US, the UK and the Netherlands can be seen as pursuing different modes of control within the drug control *dispositif*. Whilst most illicit drug use was prohibited - to some extent - in each country, the way drug users were perceived and treated varied. The Dutch, though they did introduce criminal penalties for illicit drug use, over time took a starkly different position on cannabis. By the 1960s, concern was growing about the use of drugs in the Netherlands, particularly 'new' drugs such as

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<sup>691</sup> Stimson and Lart, p. 178.

<sup>692</sup> Stimson and Lart, p. 178.

<sup>693</sup> Stimson and Lart, p. 178.

<sup>694</sup> Stimson and Lart, p. 179.

<sup>695</sup> Stimson and Lart, p. 179.

<sup>696</sup> Dorn, pp. 541-544; James H. Mills, *Cannabis Nation: Control and Consumption in Britain, 1928-2008*, (Oxford: Oxford University Press, 2012), p. 1.

<sup>697</sup> Mills, *Cannabis Nation*, pp. 225-26.

hashish and LSD.<sup>698</sup> This led to a more repressive strategy towards cannabis users because the drug was seen as having no medical benefits and as being used largely by the members of the counter-culture movement.<sup>699</sup> However, there was widespread criticism of this approach within the media, and various public and governmental bodies called for the decriminalisation or legalisation of drugs.<sup>700</sup> The Hulsman Commission, established by the National Federation of Mental Health Organizations, argued that cannabis should be separated from other illicit drugs,<sup>701</sup> and the Baan Commission, set up by the government, called for a distinction to be made between ‘soft’ drugs such as cannabis and ‘hard’ drugs (e.g. heroin and cocaine) that caused unacceptable risks.<sup>702</sup> In 1976 the Dutch amended their Opium Law making drug trafficking and production illegal in order to comply with the Single Convention.<sup>703</sup> However, on the recommendation of the Hulsman and Baan Commissions, the 1976 Opium Act formally divided drugs into ‘hard’ and ‘soft’ drugs. ‘Hard’ drugs continued to be criminalised and trafficking was vigorously prosecuted; however, ‘soft’ drugs were dealt with differently. This distinction between ‘hard’ and ‘soft’ drugs paved the way for the sale of cannabis in so-called ‘coffee shops’.<sup>704</sup> The ‘coffee shops’ are tolerated but not enshrined into domestic law; the Dutch argue that they are merely not enforcing all aspects of the Single Convention rather than being in contravention of it.<sup>705</sup> The Dutch approach to cannabis enforcement has been criticised by the INCB as being in contravention of the UN conventions<sup>706</sup> as will be discussed in more details in Chapter Six.

These three examples illustrate how the Single Convention shaped domestic drug policy in the UK, US and Netherlands but they also highlight how changing patterns of drug use in each country also had

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<sup>698</sup> Korf et al., p. 453.

<sup>699</sup> Korf et al., p. 453.

<sup>700</sup> David R. Mares, *Drug Wars and Coffeehouse: The Political Economy of the International Drug Trade*, (Washington D.C.: CQ Press, 2006), pp. 138-139.

<sup>701</sup> Mares, p. 139; Korf et al., p. 453.

<sup>702</sup> Mares, p. 140; Korf et al., 454.

<sup>703</sup> De Kort and Korf, p. 124; Korf et al., p. 461.

<sup>704</sup> Korf et al., p. 464; Toine Spapens, Thaddeus Muller, Henk van de Bunt, ‘The Dutch Drug Policy from a Regulatory Perspective’, *European Journal for Criminal Policy Research*, Vol. 21, 2015, p. 194; Mares, p. 141

<sup>705</sup> Jonathan P. Caulkins, Beau Kilmer, Mark A.R. Kleiman, *Marijuana Legalization: What Everyone Needs to Know?*, (New York: Oxford University Press, 2016), p. 174.

<sup>706</sup> International Narcotics Control Board (INCB), *Report of The International Narcotics Control Board for 1997*, E/INCB/1997/1, (New York: United Nations, 1998), p. 6; International Drug Policy Consortium (IDPC), ‘*The International Narcotics Control Board: Current Tensions and Options for Reform*’, Briefing Paper 7, (IDPC: London, February 2008), pg. 11.



an impact. As levels of drug use increased, politicians and professionals felt the need to respond to growing public concern with changes to the laws. This largely led to criminal penalties being introduced. However, the approach each country took to illicit drug use and the negative consequences – whether social and physical – associated with it are illustrative of the variation that exists within the drug control *dispositif*. While in all three examples the increase in recreational drug use was associated with counter-cultural movements, the way this was portrayed was very different. In the US, these developments were represented as threatening US national identity; in the UK, there was a shift towards seeing ‘addicts’ as being mentally rather than physically ill; and in the Netherlands the discussion focussed on preventing further marginalisation of drug users. These examples also illustrate that the practices within the securitizing moves were as important as the speech acts in establishing a successful securitization.

### 2.3.2. Access to essential medicines

Although access to essential medicines<sup>707</sup> is enshrined in the Single Convention, the way the UN convention has been instituted both domestically and internationally has resulted in a situation whereby availability to pain relieving and palliative medicine is highly restricted for 75% of the world’s population.<sup>708</sup> Acceptance of the ‘drugs as a threat’ discourse has prioritised prohibition and a criminalised approach to drug misuse over medical care.<sup>709</sup> The huge bureaucratic burdens placed on a state by the Single Convention’s requirement to submit ‘statistical returns’<sup>710</sup> in order to be eligible for an annual quota of controlled substances has also meant that many low and middle income countries either ban essential medicines completely<sup>711</sup> or restrict them severely.<sup>712</sup> Where such

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<sup>707</sup> The WHO list 12 medicines that contain substances controlled under the Single Convention but are considered important for palliative care and pain relief. See, Naomi Burke-Shyne, Joanne Csete, Duncan Wilson, Edward Dox, Daniel Wolfe, and Jennifer J. K. Rasanathan, ‘How Drug Control Policy and Practice Undermine Access to Controlled Medicines’, *Health and Human Rights Journal*, Vol. 19: 1, June 2017, p. 238.

<sup>708</sup> By 1975, only half of the world’s population had access to essential medicines and this has now fallen to about one third. See, Marks, p. 83; Burke-Shyne et al., p. 238; International Narcotics Control Board, *Availability of Internationally Controlled Drugs: Ensuring Adequate Access for Medical and Scientific Purposes Indispensable, adequately available and not unduly restricted*, (United Nations: New York, 2016), p. iii.

<sup>709</sup> Burke-Shyne et al., p. 238.

<sup>710</sup> United Nations, *The Single Convention*, p. 20.

<sup>711</sup> Katherine Pettus, *Untreated pain in the lower and middle-income countries*, (Swansea: Global Drug Policy Observatory, December 2013), p. 3.

<sup>712</sup> Burke-Shyne et al., pp. 241-242.

countries do submit 'statistical returns' in order to access controlled substances, lack of infrastructure and training, and onerous prescribing and dispensing procedures limit availability.<sup>713</sup> The tension between access to pain relief and prevention of drug misuse can be seen in the 2007 'Framework for the Access to Controlled Medications Programme' produced by the WHO and the International Narcotics Control Board (INCB). The abstract recognised the "differences in their mandate"<sup>714</sup> and noted that the INCB was restricted by the international drug control conventions to simply complying with the resolutions of the World Health Assembly and the Economic and Social Council of the UN (ECOSOC)<sup>715</sup> who called for increased access to pain relieving and palliative drugs. In contrast, the WHO's remit was "the attainment by all peoples of the highest possible level of health. Therefore, WHO finds itself obliged to widen the scope of the activities to be undertaken with regard to availability of controlled medicines".<sup>716</sup> These divergent goals meant that the WHO and INCB wrote separate parts of the framework. The WHO has long been critical of the way the "greatly exaggerated fears of addiction [and] overly restrictive national drug control policies" have limited access to pain relieving drugs.<sup>717</sup> It has been argued that although the Single Convention states clearly that access to pain relief is "indispensable"<sup>718</sup> there are no articles concerning how access should be provided apart from those regarding 'estimates' and 'statistical returns', but a number stipulating that parties should criminalise or suppress various forms of drug use not considered legitimate under the convention.<sup>719</sup> Thus the Single Convention privileges criminalisation over health. This example illustrates how the practices within the drug control *dispositif* became prohibitionist in character as the 'drugs as a threat' discourse became paramount and how the way these practices were carried out undermined the stated aims of the Single Convention.

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<sup>713</sup> World Health Organization (WHO), *Access to Controlled Medications Programme Framework*, WHO/PSM/QSM, (Geneva: WHO, February 2007), p. 3.

<sup>714</sup> WHO, *Access to Controlled Medications*, p. 3.

<sup>715</sup> WHO, *Access to Controlled Medications*, p. 3.

<sup>716</sup> WHO, *Access to Controlled Medications*, p. 3.

<sup>717</sup> World Health Organization (WHO), *Narcotic & Psychotropic Drugs Achieving Balance in National Opioids Control Policy Guidelines for Assessment*, WHO/EDM/QSM/2000.4 (Geneva: WHO, 2000), p. 1.

<sup>718</sup> United Nations, *The Single Convention*, p. 11.

<sup>719</sup> Christopher Hallam, *The International Drug Control Regime and Access to Controlled Medicines*, Series on Legislative Reform of Drug Policies No. 26, (Amsterdam: Transnational Institute, International Drug Policy Consortium, December 2014), p. 5.

### 3. The agent: actor(s) and audiences

As has been discussed earlier in this thesis (Chapter Two), a sociological interpretation of securitization theory, as proposed by Balzacq, is being used in this thesis rather than the Copenhagen School variant. Therefore, this section will analyse what Balzacq has described as the 'agents' of securitization: 'actors' and 'audiences'.<sup>720</sup> What follows is an examination of intersubjective negotiation between the securitizing actor(s), opponents of the designation of 'security' or proposed measures to counteract the threat and the audience(s) that resulted in the securitization of drugs at the international level.

#### 3.1. Those who support the designation of 'security'

Knowledge (cultural capital), power and trust (social and political capital) are closely connected and highly relevant when exploring the agency of actors.<sup>721</sup> Throughout the twentieth century one can identify a range of securitizing actors at different political levels that helped shape the development of the 'drugs as a threat' discourse, the securitization of drugs and consequently the drug control *dispositif*. Initially the actors were 'moral and political entrepreneurs',<sup>722</sup> such as US Bishop Brent, Dr Hamilton Wright and US Congressman Stephen Porter, working to convince their governments of the need to prohibit drugs in order to deal with the threat they posed (see Chapter Three). Later, the actor(s) became governments, principally the US, and supportive members of the international drug control bureaucracy, such as the OAC (e.g. Delevingne), the PCOB (e.g. May), the DND (e.g. Steinig) and the DSB (e.g. Sharman of Canada and Vaille of France). Finally, the actor(s) became an international coalition of governments, particularly Britain and Canada, and their representatives at the CND who were keen to get the Single Convention ratified in the face of US opposition to the completed convention. The role that these various actors played, and the agency that allowed them to do so, will be explored further below.

Whilst exploring the roles the various actors played, and their political agency, it is important here to highlight a number of issues that should be taken into consideration. Firstly, even where a state is referred to as the actor, it should be recognised that they did not hold monolithic views on how to deal with the 'drug threat'. Within one state there were often a range of views and competing concerns and these did not always coincide. For example, in the US there were a range of divergent views within drug policy-making circles that often came into conflict, particularly between the US State

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<sup>720</sup> Balzacq, 'Enquiries into Methods', pp. 35-36.

<sup>721</sup> Balzacq, 'The Three Faces of Securitization', p. 191.

<sup>722</sup> Nadelmann, p. 485.

Department and the Federal Bureau of Narcotics (FBN). These divisions were particularly evident when it came to the 1953 Opium Protocol and the ratification of the Single Convention. Anslinger and the Treasury were opposed to the Single Convention once it had been finalised, but the State Department felt “it had some good points”.<sup>723</sup> One British civil servant recognised this lack of unity when reporting on the likelihood of speedy ratification of the Single Convention by the Americans, noting that

it looks as if the whole matter is still being thrashed out interdepartmentally although the Narcotics Bureau [FBN] may still be trying to steal a march on the State Department by approaches to Turkey and Greece. I think that the State Department were left in no doubt about our anxiety and I got the impression that the State Department agree with us but that, as you say, the policy is really in the hands of the Narcotics Bureau of the Treasury.<sup>724</sup>

Within US government circles, there was also a recognition that there was a

division of opinion on the merits of the Convention between the Department of State and the Bureau of Narcotics. Both representative from State and the representative from the Bureau of Narcotics agree that there is little likelihood the Convention will be submitted as long as they disagree on the merits.<sup>725</sup>

Secondly, the positional power of the actor is also relevant and therefore some actors maybe in a better position to influence and shape their governments policy.<sup>726</sup> Stritzel notes that Harry Anslinger and the FBN were in a privileged position of power in that they were able to shape public and administrative perceptions of organised crime through influencing information flows and public hearings, as well as having the largest organised crime database upon which the government was

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<sup>723</sup> Letter from Carl Marcy, chief of staff for the US Senate Foreign Affairs Committee to Arthur Kuhl, Secretary to J.W. Fulbright, Chairman of the US Senate Foreign Affairs Committee, 9th August 1961. Marcy states that he held a meeting with Giordano of the FBN and Bevans of the State Department; he notes that the FBN were unofficially opposed to the Single Convention and that whilst the State Department had not taken an official position on it, they recognised it had some merits. US National Archives (Washington D.C.) SFO-T.5 (Senate Committee of Foreign Relations, 90th Congress), Box labelled ‘Single Convention’.

<sup>724</sup> Letter from G. Brown (British Embassy in Washington) to A. Horn (United Nations Department of the British Foreign Office), 19th Oct 1961. British National Archives FO-371-16150.

<sup>725</sup> Letter to Carl Marcy from Arthur Kuhl dated 9<sup>th</sup> August 1961. US National Archives (Washington D.C.) SFO-T.5 (Senate Committee of Foreign Relations, 90th Congress), Box labelled ‘Single Convention’.

<sup>726</sup> Stritzel, ‘Towards a Theory of Securitization’, pp. 372-3.

forced to rely.<sup>727</sup> A third important point to note when considering the power and agency of the actor(s) is that some national representatives at the international conferences worked for their own ends as well as representing their own governments' views. Anslinger for example often acted to defend the power of the FBN. In the 1930s, he took up the anti- marijuana cause believing that tackling the issue could safeguard the organisation's funding during the Depression, co-authoring an article titled 'Marijuana assassin of youth' and arguing that the drug was as dangerous as heroin.<sup>728</sup> In 1967 Anslinger gave up his opposition to the Single Convention partly because he felt that ratifying the treaty would undermine domestic moves to liberalise cannabis in some US states.<sup>729</sup>

At the plenipotentiary conference, there were a range of views held by the participating members. McAllister has identified four distinct interest groups at the 1961 Conference: the producer states, e.g. Turkey, Yugoslavia, Greece and the coca-producing nations of Latin America who took an active role in revising the third draft; the manufacturing nations, e.g. UK, Switzerland, West Germany, Netherlands, Italy and Japan, who tried to limit calls by producer nations for controls on manufactured psychotropics; the Soviet Bloc, who wanted to limit internal interference by the monitoring bodies and also pushed for an 'open' list of producers rather than the 'closed' list of the 1953 Opium Protocol; and finally, the US and France, who were the cheerleaders of the harshest provisions from the Opium Protocol to be included in the Single Convention.<sup>730</sup>

### **3.1.1. The US and their allies**

As has been argued in Chapter Three, the US was the principal actor in shaping the international securitization of drugs and calling for the prohibition of non-medical/non-scientific use as a solution to the threat, and whilst the international drug control system had evolved a great deal since the Shanghai Opium Commission, US objectives had not been achieved. This chapter shows that although the US continued with their push to design a prohibitionist system of drug control, the outcomes were, initially, not much more successful than they had been in the 'foundational treaties'. The US did have some allies in their push for a strict prohibition-orientated approach to drug control: the Canadians, led by Anslinger's close associate Charles Sharman, were supportive of the US approach until Sharman retired, they then shifted their stance somewhat; the French, led by another Anslinger ally, Charles

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<sup>727</sup> Stritzel, 'Towards a Theory of Securitization', pp. 372-3.

<sup>728</sup> Bewley-Taylor, *United States and International Drug Control*, p. 41.

<sup>729</sup> Bewley-Taylor, *United States and International Drug Control*, p. 158.

<sup>730</sup> McAllister, pp. 206-7.

Vaille; and the Chinese, who had been strong proponents of highly restrictive opium control measures since the 19<sup>th</sup> century.<sup>731</sup>

Just as the US had been one of the main drivers for the creation of the Single Convention, they were also the ones to push for amendments to the convention. This resulted in another conference in 1972 to discuss tightening up the drug control system further. The US was particularly concerned that the drug control bodies were not able to fully monitor areas of poppy and coca under cultivation and so hoped the amendments would give the INCB strengthened powers.<sup>732</sup> However, other states were less concerned with the need for amending the convention and felt that it was called in part for US domestic political reasons. According to a British Home Office representative, “there was a prevailing attitude of cynicism in most delegations about the real American objectives behind the Conference. These were widely taken to be a ploy to promote domestic support for the re-election of President Nixon.”<sup>733</sup> The Home Office report also states that

The sponsors [of the amendments] tended to be of two kinds: last minute allies enlisted by US diplomatic pressure who had no knowledge of drug problems or the meagre value of US amendments, and reluctant associates, like the UK and France, who on balancing the political risks of non-alignment and the general innocuousness of US proposals, were ready to support but not to lead.<sup>734</sup>

As will be discussed in more detail later in this chapter, growing US hegemony gave them the political agency to shape the international drug control system, and by extension, the drug control *dispositif*, as the century progressed.

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<sup>731</sup> John Collins, ‘Breaking the Monopoly System: American Influence on the British Decision to Prohibit Opium Smoking and End its Asian Monopolies, 1939-1945’, *The International History Review*, Vol. 39, 2017, p. 9.

<sup>732</sup> In the letter that US Ambassador to the UN, George Bush, wrote to the UN Secretary-General requesting a new conference to agree amendments to the Single Convention, he outlines the US concerns. This letter was referenced at the October 1971 meeting of CND that discussed the forthcoming conference to amend the Single Convention. See, United Nations, *Official Records, Volume I: United Nations Conference to Consider Amendments to the Single Convention on Narcotic Drugs*, E/CONF.63/10 (United Nations: New York, 1974), p. 7.

<sup>733</sup> Home Office report on the 1972 amending conference. British National Archives, HO-319/152, p. 6.

<sup>734</sup> Home Office report on the 1972 amending conference. British National Archives, HO-319/152, p. 6.

### 3.1.2. The drug control bodies

As well as state actors and individual actors, there were also bureaucratic actors, for example those charged with monitoring and defending the system. As was discussed in Chapter Three, three drug control bodies had been created under the auspices of the League of Nations: the OAC, the DSB and the PCOB. In 1946, within the newly formed United Nations, the OAC was replaced by the CND and the Single Convention established that the PCOB (1928-1967) and DSB (1937-1967) be merged into one secretariat which eventually became the INCB in 1968. Leon Steinig, under the auspices of the DND, wrote the first draft of the Single Convention.<sup>735</sup> Anslinger and the 'inner circle' made sure that the first draft contained strict clauses concerning production<sup>736</sup> including many of the features of Steinig's proposed International Opium Monopoly.<sup>737</sup> This first draft was discussed at the CND meetings from 1950-1955.<sup>738</sup> The second draft, rewritten by the secretariat as a result of previous discussions at CND,<sup>739</sup> was debated during the 11<sup>th</sup> and 12<sup>th</sup> CND meetings (1956-1957).<sup>740</sup> The first two drafts were rejected by the majority of members as being too restrictive.<sup>741</sup> The third draft was drawn up in 1957-58 under the guidance of Canadian CND representative Robert Curran who had recently taken over from Sharman and became less prohibition-orientated than his predecessor.<sup>742</sup>

These so-called 'experts' can be seen as what Bigo refers to as "professional managers of unease".<sup>743</sup> The members of the drug control bodies were meant to be impartial experts, however, they frequently acted in a less than passive manner. The secretariat members wrote the early drafts of the Single Convention and were often closely allied with their governments so were able to influence their views; a prime example of this would be Anslinger who, as mentioned earlier, shaped both public and US

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<sup>735</sup> McAllister, p. 172; Bewley-Taylor, *United States and International Drug Control*, p.140.

<sup>736</sup> McAllister, p. 172.

<sup>737</sup> McAllister, pp. 204-05.

<sup>738</sup> Bewley-Taylor, *United States and International Drug Control*, p. 140.

<sup>739</sup> Commission on Narcotic Drugs (CND), 'Tenth Session of CND', *Bulletin of Narcotic Drugs*, Issue 2, 1955 [online]. Available from: <[https://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin\\_1955-01-01\\_2\\_page005.html](https://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin_1955-01-01_2_page005.html)> (accessed 24/09/11).

<sup>740</sup> Commission on Narcotic Drugs (CND), 'Twelfth Session of CND', *Bulletin of Narcotic Drugs*, Issue 4, 1957 [online]. Available from: <[https://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin\\_1957-01-01\\_4\\_page008.html](https://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin_1957-01-01_4_page008.html)> (accessed 24/09/11).

<sup>741</sup> Bewley-Taylor *United States and International Drug Control*, p. 140; McAllister, pp. 204-205.

<sup>742</sup> McAllister, p. 205.

<sup>743</sup> Bigo, 'Security and Immigration', p. 65.

government perceptions of drugs and organised crime. Furthermore, through the collection of data, and sharing of knowledge, language and resources, the drug control bodies created a “means of inscribing reality”<sup>744</sup> and therefore a ‘local regime of truth’ that constituted the illicit use of drugs as a threat. In the third draft of the Single Convention the drug control bodies were to be given the right to institute local inquiries and impose mandatory embargoes if countries were deemed to be over-producing raw materials; the final draft however, made these embargoes recommendatory only. However, in the years after the Single Convention came into international law, the INCB used its position to criticise countries that it believed were not acting in the ‘spirit’ of the convention<sup>745</sup> (i.e. prohibiting non-medical/non-scientific use of drugs) as will be discussed in more detail in Chapter Six.

### **3.2. Oppositional voices at the plenipotentiary conference**

During the League of Nations period, the principal areas of contention were around the level of international cooperation needed, what forms of drug use were ‘legitimate’, what shape the controls should take, i.e. regulatory or prohibitive, and whether states should be allowed to benefit financially from the drug trade. By the time the UN had taken on the role of international drug control, a general consensus had formed around the idea that uncontrolled drug production, sale and use was a problem that constituted a threat of some kind. Whilst some of the tensions that had been highlighted in the ‘foundational treaties’ were still in existence during the plenipotentiary conference, the predominant issue was how much national sovereignty each nation would have to give up in order to achieve the level of international control required to eliminate the ‘drug threat’. The unpopular 1953 Opium Protocol had stated that “restrictions on the freedom of activity of States are necessary in the international trade in opium in order to combat the illicit traffic and to protect humanity against the danger of addiction...”<sup>746</sup> but it was clear that in 1961 these restrictions had not been completely agreed upon as will be discussed in relation to the ‘closed list’ of opium and coca producers, later in this chapter.

The opening statements at the plenipotentiary conference give a good indication of some of most problematic articles of the Single Convention. The articles of the third draft highlighted in the opening statements as being contentious were: Article 2 – substances under control; Article 3 – changes to the scope of control; Article 22 - measures to ensure execution of provisions of the convention; Articles

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<sup>744</sup> Bull, p. 88.

<sup>745</sup> Buxton, *The Political Economy of Narcotic Drugs*, pp. 161-162.

<sup>746</sup> United Nations, *Final Act of the United Nations Opium Conference Held at United Nations Head Quarters, New York, From 11 May To 18 June 1953*, (New York: United Nations, 1963) p. 38.



32 and 37 – restrictions on the international trade in opium and poppy straw and restrictions on the international trade in coca and crude cocaine, respectively; Article 47 – treatment of drug addicts; and, Article 48 – languages and procedures for acceptance. Discounting Article 48 - which relates to geo-political issues regarding states that were not members of the UN - North Vietnam, East Germany, North Korea and the People's Republic of China<sup>747</sup> - the above-mentioned articles were some of the most proscriptive and therefore controversial at the conference. Analysis of each one is useful in order to understand some of the keys tensions and main actors during the plenipotentiary conference.

### **3.2.1. Substances under control and changes to the scope of control**

Articles 2 and 3 (third draft) dealt with the drug schedules: what forms of control should be applied and who should be allowed to place drugs in different schedules. One of the most problematic areas concerned drugs in Schedule IV: Article 2 paragraph 1(e) of the third draft stipulated that the most extreme control measures should be applied to these drugs whereby “the Parties shall prohibit the production, manufacture of, trade in, possession and use of such drugs except for small amounts for medical and scientific research”.<sup>748</sup> Article 3 paragraph 3 (third draft) allowed the CND to move drugs into different schedules after consultation with the World Health Organisation (WHO), effectively giving CND the right to prohibit certain drugs by placing them in schedule IV even if they were routinely used for medical purposes in some countries.

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<sup>747</sup> Some countries such as the Democratic Republic of Viet-Nam (North Vietnam) and the Mongolian People's Republic were not invited to the conference because they were not members of the UN and their governments were not formally recognised. Furthermore due to lack of formal recognition by many nations of the People's Republic of China (PRC), the Chinese representative came from Taiwan. Neither the Democratic People's Republic of Korea (North Korea) or the German Democratic Republic (East Germany) were invited to the conference for similar reasons as the PRC, the representatives from the Republic of Korea (South Korea) and the Federal Republic of Germany (West Germany) therefore claimed to speak for the entire Korean and German peoples. This caused some countries – particularly Eastern Bloc countries – to object to this situation frequently.

<sup>748</sup> United Nations, 'Third Draft of the Single Convention on Narcotic Drugs', E/CN.7/AC.3/9, in E/CONF.34/24-Add. 1, p. 3.

A number of countries<sup>749</sup> objected to Articles 2 and 3 on the ground that these drugs, especially heroin, were used for medicinal purposes in some countries.<sup>750</sup> The British and Canadian governments also argued in their comments on the third draft that “States should not be asked to bind themselves in advance to prohibit any drugs which the Commission [CND] might choose to add to Schedule IV”.<sup>751</sup> Some countries that had already prohibited heroin – such as Greece, India, Turkey and the US – though in favour of keeping Article 2 paragraph 1(e), were willing, in the spirit of compromise to allow this provision to be recommendatory rather than mandatory.<sup>752</sup> In the final draft of the Single Convention the clause stated that prohibition was only to be instituted if a party considered that “the prevailing conditions in its country render it [prohibition] the most appropriate means of protecting the public health”.<sup>753</sup> Article 3 of the final draft still allowed the CND, on advice from the WHO, to place a drug in Schedule IV,<sup>754</sup> however once the clause instituting a mandatory prohibition has been rejected, this article became less problematic.

The next article that was the subject of much discussion was Article 22 (third draft) concerning measures to ensure the execution of the convention. There were two key objections: the Board's powers to institute local inquiries into overproduction (paragraph 1(e) of the third draft) which many countries felt undermined national sovereignty; and the mandatory embargo on countries that over-produced drugs (paragraph 4 of the third draft).<sup>755</sup> These were two crucial areas for the US who, in internal governmental discussions, noted that “the international supervisory organs retain essentially the same functions as under existing agreements, except that... the authority of those organs to recommend local enquiry and impose an embargo (never invoked), has been dropped...”<sup>756</sup> They believed that the threat of a mandatory embargo and the Board's ability to carry out independent

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<sup>749</sup> The countries that objected to article 2 were Britain, the Netherlands, Denmark, West Germany, Hungary, Czechoslovakia, Israel, Canada, Australia and New Zealand. Countries that objected to article 3 were Britain, the Netherlands, Czechoslovakia, Australia and Canada. See General Statements, E/CONF.34/24-e, pp. 4-16

<sup>750</sup> United Nations, E/CONF.34/24-e, p. 4.

<sup>751</sup> United Nations, Article 56, Footnote 6, E/CN.7/AC.3/9, p. 3.

<sup>752</sup> United Nations, E/CONF.34/24-e, p. 20-21.

<sup>753</sup> United Nations, *The Single Convention*, p. 13.

<sup>754</sup> United Nations, *The Single Convention*, p. 14.

<sup>755</sup> United Nations, E/CONF.34/24-e, p. 140.

<sup>756</sup> US State Department, *Report on the Single Convention on Narcotic Drugs 1961 and Comparative Analysis of the Single Convention, 1961 and the Protocol of 1953* produced at the request of William J. Fulbright (chairman of the US Senate Committee on Foreign Affairs) in 1961, p. 2. US National Archives (Washington D.C.) SFO-T.5 (Senate Committee of Foreign Relations, 90th Congress), Box labelled ‘Single Convention’.

inquiries on the ground were crucial to eliminating the drug threat and establishing a punitive international system.

Article 22 paragraph 1(e) of the third draft allowed the Board to institute local inquiries if they felt this would “contribute to the elucidation of the drug situation in a country or territory” and therefore raised concerns.<sup>757</sup> Indeed the Mexican representative argued that this paragraph was “even more controversial than that for the mandatory embargo, in that it was a challenge to the internal jurisdiction of States.”<sup>758</sup> The British representative suggested that this provision be deleted and this was supported by the French representative. When the vote was taken, it was agreed by 27 votes to 10 with 14 abstentions to delete paragraph 1(e).<sup>759</sup> A number of countries<sup>760</sup> argued that the provisions for a mandatory embargo (paragraph 4) extended the powers of the drug control bodies too greatly and therefore this could discourage states from signing the convention and “might unduly hamper medicine and science”.<sup>761</sup> A vote was taken and it was agreed by 41-3 with 3 abstentions to delete paragraph 4 concerning the mandatory embargo.<sup>762</sup> As can be seen here, the issue of how much national sovereignty states were willing to relinquish in order to establish a robust system of international control was highly contentious.

### **3.2.2. Production controls**

The demand for strict controls on the production of raw materials can be seen as one of the key policies demanded by the US in their securitizing move and one that they had been working to achieve since the 1909 Shanghai Opium Commission. Therefore, a key objective for the US was the introduction of the ‘closed list’ of opium producers<sup>763</sup> (Article 32, third draft) and by extension a ‘closed list’ for coca producers<sup>764</sup> (Article 37, third draft). In the plenary session US representative Anslinger outlined the importance of strict production controls stating that

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<sup>757</sup> United Nations, E/CN.7/AC.3/9, p. 8.

<sup>758</sup> United Nations, E/CONF.34/24-e, p. 85.

<sup>759</sup> United Nations, E/CONF.34/24-e, p. 86.

<sup>760</sup> The Dutch, the Soviet states, the Danish, the Australians, Bulgarians, Israelis and the Polish.

<sup>761</sup> United Nations, E/CONF.34/24-e, pp. 7-16.

<sup>762</sup> United Nations, E/CONF.34/24-e, p. 87.

<sup>763</sup> The closed list allowed for only named opium producers (initially Bulgaria, Greece, India, Turkey, the USSR and Yugoslavia but later Afghanistan and Iran were also added) to grow opium for export.

<sup>764</sup> As with the opium closed list, only named producers of coca (Bolivia, Peru and Indonesia) were allowed to grow coca for export.

It was somewhat discouraging to hear delegations calling for the deletion of articles 32 and 34 [confiscation of opium stocks]. If those provisions were deleted from the Single Convention, narcotics control would be put back fifty years and international measures would comprise nothing more than a general agreement to limit the need for narcotic drugs, as decided at the Shanghai Conference in 1909, and a set of general principles included in The Hague Convention.<sup>765</sup>

However, the British representative argued that the dangers of deleting Article 32 had been exaggerated.<sup>766</sup> The Soviet representative went further, noting that the supporters of Article 32

dealt in generalities and had not demonstrated how that provision would ensure uninterrupted supply of opium to countries for their lawful needs or would combat illicit traffic... the principle advocates of article 32 were the representatives of countries listed [those named in the 'closed list' of opium producers] in paragraph 1(a).<sup>767</sup>

Certainly, most of the countries that were listed as opium producer states argued keenly in favour of the closed list. Of the named states, only Bulgaria and the USSR were in favour of eliminating the closed list as they believed limiting the rights of countries to produce opium/coca was an infringement of national sovereignty. Yugoslavia noted that they would not make a recommendation either in support of, or against, the idea of a 'closed list' for either opium or coca.<sup>768</sup> Those non-opium producing states that supported the closed lists were ones that supported the strictest control provisions: China, the USA and Canada.<sup>769</sup> Similar countries supported the closed list for coca production as well, with the obvious inclusion of those countries named on the list (Bolivia and Indonesia). The other named country – Peru - did not make a statement on closed lists.

A far greater number of states opposed the idea of 'closed lists' both for opium and coca. Two main reasons were put forward for this opposition: some countries claimed that closed lists undermined the sovereignty of states;<sup>770</sup> others<sup>771</sup> argued that 'closed lists' could result in certain countries gaining

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<sup>765</sup> United Nations, E/CONF.34/24-e, p. 52.

<sup>766</sup> United Nations, E/CONF.34/24-e, p. 50.

<sup>767</sup> United Nations, E/CONF.34/24-e, p. 50.

<sup>768</sup> United Nations, E/CONF.34/24-e, p. 44.

<sup>769</sup> United Nations, E/CONF.34/24-e, p. 41 (USA), p. 42 (Canada), p. 52 (China).

<sup>770</sup> These were largely Eastern bloc countries including USSR, Czechoslovakia, Bulgaria, Hungary and Poland.

<sup>771</sup> Ghana, the Netherlands, Britain, Pakistan, Australia and France.

a monopoly on production and that this was very unsatisfactory.<sup>772</sup> In the ad hoc committee US representative Anslinger argued that

since article 32 was the most important part of the Convention, it was essential to reach agreement on it... Unless agreement was reached on the limitation of opium production, addiction would double where it had already existed and also spread to new countries.<sup>773</sup>

An amendment was proposed by a group of states<sup>774</sup> that abandoned the idea of closed lists, instead calling upon parties which wished to produce opium to “take account of the prevailing world need for opium... so that the production of opium by such Party does not result in the over-production of opium in the world.”<sup>775</sup> When the ad hoc committee met again to discuss the amendment it was adopted unanimously<sup>776</sup> although the US would later use the rejection of the ‘closed lists’ as one of the reasons not to ratify the convention. One US government official noted that

The Convention was not signed by the United States for several reasons. The principal reason was a concern that omission from the Convention of the “closed list” provision... would result in many additional countries engaging in such production and a consequent spiralling of the amount of opium that would be diverted into illicit traffic.<sup>777</sup>

As mentioned earlier, the positions taken by the national delegations regarding Article 37 (third draft) – the closed list for coca producing countries – mirrored the stances taken on Article 32. Discussion was more limited in part because many of the issues had been aired during discussions on opium production but also because the coca issue was seen as less pressing than that of opium as so few countries felt that they had a problem with coca-based products.<sup>778</sup> Just as those states that had a well-developed pharmaceutical industry lobbied hard to protect the sector, the US also lobbied to make sure that drinks manufacturers, such as Coca Cola - which used a form of coca leaf that had had

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<sup>772</sup> United Nations, E/CONF.34/24-e, pp. 39-41.

<sup>773</sup> United Nations, E/CONF.34/24/Add.11 p. 161-162.

<sup>774</sup> Australia, Brazil, Canada, the Netherlands and the Philippines.

<sup>775</sup> United Nations, E/CONF.34/C.5/L.6 in E/CONF.34.24/Add.1 p. 42.

<sup>776</sup> United Nations, E/CONF.34/24/Add.1 p. 166.

<sup>777</sup> A letter from Nicholas de Belleville Katzenbach, Acting US Secretary of State, to US President Lyndon B. Johnson dated 15<sup>th</sup> February 1967. US National Archives (Washington D.C.) box Sfo.T5.

<sup>778</sup> For example Canada, France, Britain all noted that they had very few problems with illicit traffic in coca/cocaine. United Nations, E/CONF.34/24-e, p. 54.

the active elements removed as a flavouring agent - continued to have access to a supply of the substance.<sup>779</sup>

After Article 37 (third draft) was deleted, a new article (article 26) was drafted in relation to coca which noted that “If a Party permits the cultivation of the coca bush, it shall apply thereto and to coca leaves the system of controls provided in article 23 respecting the control of the opium poppy...”<sup>780</sup> Because of the changes to Article 32 of the third draft and the deletion of Article 37, the final draft of the 1961 Single Convention included a new article that dealt with ‘special provisions for cultivation’ (Article 22) that gave countries the right to prohibit cultivation if they felt it necessary.<sup>781</sup> The 1972 Amending Protocol added some further responsibilities on signatory states regarding the control of cultivation. The new article on the limitation of production of opium, stipulated that “the production of opium by any country or territory shall be organized and controlled in such manner” that it does not exceed the estimates given.<sup>782</sup> A new paragraph was also added to Article 22 which stated that a party that prohibited the cultivation of opium, cannabis or coca, “shall take appropriate measures to seize any plants illicitly cultivated and destroy them, except for small quantities required by the Party for scientific and research purposes.”<sup>783</sup>

### **3.2.3. Treatment for problematic drug users**

The next article to be analysed here is Article 47 (third draft, which became Article 38 in the final draft) concerning the treatment of problematic drug users. This article is of importance because it reflected how countries perceived of, and treated, ‘addicts’, the very people that were most affected by the ‘evil’ of drug addiction. In the third draft, this article stated that all parties should “give special attention to the provision of facilities for the medical treatment, care and rehabilitation of drug addicts.”<sup>784</sup> This provision was widely supported in the plenary sessions. It was the second paragraph that gave rise to more serious debate: this paragraph called on signatory states to “establish facilities for the compulsory treatment of drug addicts in closed institutions.”<sup>785</sup> It was the call for compulsory treatment in closed institutions that caused the most intense discussion. The US opened discussions

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<sup>779</sup> Bewley-Taylor and Jelsma, 2011, p. 11; United Nations, E/CONF.34.24-e, p. 54.

<sup>780</sup> United Nations, *The Single Convention*, p. 26.

<sup>781</sup> United Nations, *The Single Convention*, p. 23.

<sup>782</sup> United Nations, *Commentary on the Protocol Amending the Single Convention*, p. 58.

<sup>783</sup> United Nations, *Commentary on the Protocol Amending the Single Convention*, p. 69.

<sup>784</sup> United Nations, *Third Draft of the Single Convention on Narcotic Drugs*, E/CN.7/AC.3/9, p. 18.

<sup>785</sup> United Nations, *Third Draft of the Single Convention on Narcotic Drugs*, E/CN.7/AC.3/9, p. 18.

in the plenary session by clearly identifying themselves as an authority on the subject of drug addiction treatment and emphasising their social and political capital in this arena. The US delegate noted that many American specialists had shown that confining addicts in closed institutions was the most successful approach, though he claimed that this was not a punitive approach.<sup>786</sup> A number of other countries, including Canada, the United Arab Republic (UAR), China, India and Iran, supported this provision.<sup>787</sup> However a greater number of countries were either actively opposed to the idea of compulsory treatment and closed institutions or favoured this provision being a recommendation only.<sup>788</sup> Some countries<sup>789</sup> were concerned about the cost of establishing closed institutions or providing compulsory treatment; other states felt that closed institutions and compulsory treatment may not always be the best way to deal with addiction because it reflected a punitive approach which they did not believe was appropriate for people who were sick.<sup>790</sup> Indeed, the New Zealand representative argued that his delegation “doubted whether direct reference to details of medical treatment should be made in the Convention.”<sup>791</sup> In the end it was agreed that making paragraph 2 recommendatory would not undermine the objectives.<sup>792</sup> In relation to how to treat drug addicts, there was a discussion around the causes of drug addiction. The Byelorussian Soviet Socialist Republic (BSSR), Czechoslovakia and Indonesia proposed an amendment to Article 47 (third draft) stating that

The Parties consider that the most important prerequisite for the prevention and eradication of drug addiction is the consistent application by States of measures aimed at improving the economic and social well-being of the people, raising its cultural level and providing medical services that are available to all segments of the population.<sup>793</sup>

This amendment was discussed in the plenary sessions. However, the American representative argued that the amendment advocated “socialized medicine” and therefore his delegation would be unable

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<sup>786</sup> United Nations, E/CONF.34/24-e, p. 103.

<sup>787</sup> United Nations, E/CONF.34/24-e, pp. 103-113.

<sup>788</sup> Burma, New Zealand, Liberia, Brazil, the Philippines, Pakistan, the Netherlands, Cambodia, Japan, Sweden, Britain, Yugoslavia, and more all objected to paragraph 2 as it was drafted. E/CONF.34/24-e, pp. 103-113.

<sup>789</sup> Greece, Brazil, Ghana, India and Pakistan all stated that their national economic situation may not allow for such a proposal. United Nations, E/CONF.34/24-e, p. 103-113.

<sup>790</sup> Burma, New Zealand, the Philippines, Japan, Sweden and Britain, E/CONF.34.24 p. 103-113.

<sup>791</sup> United Nations, E/CONF.34/24-e, p. 107.

<sup>792</sup> United Nations, E/CONF.34/24-e, p. 114.

<sup>793</sup> United Nations, E/CONF.34/24-Add.1, p. 49.

to ratify the convention if it included such a provision.<sup>794</sup> The UK representative suggested that this amendment was “incomplete” because it only noted one caused of addiction but at the same time it was “too wide” and was therefore it was “out of place in the Convention.”<sup>795</sup> Therefore the amendment was dropped.<sup>796</sup>

As mentioned earlier in this chapter, the 1972 Amending Protocol added changes to Article 38 (final draft). These developments explicitly broadened the scope of the article so that it was concerned with all illicit drug use, rather than just addiction. It also went into more detail about the forms of support that should be available to drug users. The commentary noted that “Treatment, after-care, rehabilitation and social reintegration present four stages of remedial measures which are widely held to be necessary to restore the well-being and social usefulness of abusers of narcotic drugs or psychotropic substances.”<sup>797</sup> It stated that rehabilitation should provide “such measures as may be required to make the former abuser of narcotic drugs physically, morally and otherwise fit for living a normal life as a useful member of society...”<sup>798</sup> This quote shows how users of illicit drugs were framed as existing outside of ‘normal’ society and therefore reinforced the ‘othering’ of drug users. Paragraph 2 of the amended Article 38 refers to the “social reintegration of abusers of drugs”<sup>799</sup> and the commentary explains that “the term “social reintegration” may thus cover such measures as provision of a suitable job and appropriate housing, and perhaps also enabling the former abuser of narcotic drugs to leave his former environment and to move to a social atmosphere less likely to produce such social evils as drug addiction.”<sup>800</sup> These aspects of drug treatment and rehabilitation were often overlooked in favour of criminalisation, especially in states that emphasised strict prohibition, such as the United States under President Reagan, as will be discussed in more detail in Chapter Five. However, at the same time in European states, recognition of the spread of HIV amongst injecting drug users was beginning to bring about a re-assessment of the importance of treatment, rehabilitation and social integration, as will be discussed in Chapter Six.

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<sup>794</sup> United Nations, E/CONF.34/24-e, p. 111.

<sup>795</sup> United Nations, E/CONF.34/24-e, p. 111.

<sup>796</sup> United Nations, E/CONF.34/24-e, p. 113.

<sup>797</sup> United Nations, *Commentary on the Protocol Amending the Single Convention*, p. 84.

<sup>798</sup> United Nations, *Commentary on the Protocol Amending the Single Convention*, p. 85.

<sup>799</sup> United Nations, *Single Convention on Narcotic Drugs as Amended by the 1972 Protocol*, (New York: United Nations, 1975), p. 19.

<sup>800</sup> United Nations, *Single Convention on Narcotic Drugs as Amended by the 1972 Protocol*, p. 85.



### 3.3. The 'audience(s)': ratification and US-led opposition to the Single Convention

As discussed in Chapter Two, one of the critiques of the Copenhagen School variant of securitization theory is the lack of conceptualisation around who the 'audience' is and what role they play in facilitating the securitization move.<sup>801</sup> Indeed, it is often hard to identify separate 'actors' and 'audiences' and their roles become indistinct. This blurring of the roles between the actor and audience is another reason why this thesis chooses to see both 'actor' and 'audience' as crucial elements of the securitizing agent.

Participants at the plenipotentiary conference functioned as 'actors' during the conference, however, on their return home, they became 'audiences' because they had to choose whether to ratify it or not. In order for the Single Convention to come into international law, it needed 40-member states to ratify it<sup>802</sup> this total was reached on 13 December 1964. Some countries did not sign the Single Convention in 1961 or ratify it until much later.<sup>803</sup> McAllister argues that this was out of deference to the US but once the treaty had come into force in December 1964, they ratified it.<sup>804</sup> Furthermore, the US, initially the lead actor in the securitizing move, later took a less than constructive role in the ratification process. They were extremely disappointed by the final draft of the Single Convention and therefore tried to undermine the ratification process. There was not much sympathy from the British, and one official argued that

The US attitude to the Single Convention is unrealistic... They were also upset because the strict control of the production of opium which is provided for in the 1953 Protocol, and which Anslinger seems to have promised Congress would be included in the Single Convention, was watered down because it was unacceptable to many countries, including some of the major producers...<sup>805</sup>

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<sup>801</sup> For example, Balzacq, 'A Theory of Securitization', p. 1-30; Stritzel, 'Towards a Theory of Securitization', p. 357-383; Taureck, p. 1-31; Salter, 'Securitization and Desecuritization', p. 321-349; Watson, p. 279-301.

<sup>802</sup> United Nations, *The Single Convention*, p. 34.

<sup>803</sup> For example, India ratified it on 13th December 1964, Turkey ratified it on 23rd May 1967, the US ratified it on 25th May 1967 and France ratified it on 19th February 1969.

<sup>804</sup> McAllister, p. 218.

<sup>805</sup> Letter from Tom Green (UK Home Office) to E.E. Key (UK Foreign Office), dated 6<sup>th</sup> September 1961. British National Archives, FCO-371/161050.

Anslinger however, blamed the failure of the Single Convention on other countries. In a report to the Department of State on the Single Convention plenipotentiary conference he claimed that the Soviet Bloc, supported by the British Commonwealth and African countries

attained a measure of success in its efforts to weaken the Convention when... the article in the third draft “Limitation of Production of Opium”, which would have strictly limited production, was amended to permit any country to produce and export opium.<sup>806</sup>

The US viewed the stricter production controls of the Opium Protocol as being more effective in managing the ‘drugs threat’ and argued that

The most important provisions of the 1953 Protocol that were omitted from the Single Convention are the provisions establishing a “closed list” of countries permitted to produce opium for export. Other provisions of the Protocol omitted from the Convention relate to limitation of stocks, estimates and statistics on areas cultivated for opium, local inquiry, and a mandatory embargo.<sup>807</sup>

The Opium Protocol needed three of the seven named producer states to ratify it for it to come into international law. India was the first producer state to ratify it in 1954, and Iran ratified the Opium Protocol in 1959. One more ratification was needed in order for the Protocol to come into international law, which would, it was hoped, supersede the need for the Single Convention. A State Department report comparing the Single Convention and the Opium Protocol noted that

It has been suggested that if the 1953 Protocol were brought into force by the one additional ratification or adherence required, that the Protocol together with the provisions of agreements

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<sup>806</sup> H.J. Anslinger, *Classified Report of the United States Delegation to the United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs, New York, N.Y., January 24 through March 25, 1961*, 19<sup>th</sup> April 1961, US National Archives (Maryland), Box labelled ‘Narcotic Drugs, ECOSOC – Plenipotentiary Conference on the Single Convention’.

<sup>807</sup> US State Department, *Report on the Single Convention on Narcotic Drugs 1961*. US National Archives (Washington D.C.) SFO-T.5 (Senate Committee of Foreign Relations, 90th Congress), Box labelled ‘Single Convention’. p. 16.

now in force would furnish a more effective international control of narcotic drugs than would exist under the Single Convention.<sup>808</sup>

This led the Americans to turn their attention to persuading the Greeks or Turks to ratify the Protocol because they were concerned that “Bulgaria and the U.S.S.R will certainly never ratify, and Yugoslavia is most unlikely to do so”.<sup>809</sup>

As mentioned earlier in this chapter there were tensions between the US Federal Bureau of Narcotics (FBN) and the US State Department over whether to ratify the Single Convention or not. According to the British, “pressure which is being put on Turkey is applied rather through the United States Treasury enforcement agencies [the FBN] than through the State Department”.<sup>810</sup> This was because the FBN were concerned “that the Department of State had not done as much as it could have to get one more country (Greece or Turkey) to sign the 1953 Protocol and thereby bring it into effect.”<sup>811</sup> The British approached the State Department with their concerns about the need for the US to ratify the Single Convention and were given the impression that “the State Department agreed with us but that, as you say, the policy is really in the hands of the Narcotics Bureau of the Treasury.” The US persuaded the Greek government to sign the Opium Protocol in 1963, bringing it into international law and the Turks ratified it shortly after,<sup>812</sup> however the Single Convention came into international law the year after effectively supplanting the Protocol.

In order to counteract US pressure to support the Opium Protocol, British DND Director Gilbert Yates, with support from Canadian CND representative Robert Curran, made concerted efforts to promote the Single Convention at the ECOSOC meeting in 1962.<sup>813</sup> They managed to convince 81 countries to

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<sup>808</sup> US State Department, *Report on the Single Convention on Narcotic Drugs 1961*. US National Archives (Washington D.C.) SFO-T.5 (Senate Committee of Foreign Relations, 90th Congress), Box labelled ‘Single Convention’. p. 17.

<sup>809</sup> Letter from Tom Green (UK Home Office) to E.E. Key (UK Foreign Office), dated 6<sup>th</sup> September 1961. British National Archives, FCO-371/161050.

<sup>810</sup> Letter from Tom Green (UK Home Office) to E.E. Key (UK Foreign Office), dated 6<sup>th</sup> September 1961. British National Archives, FCO-371/161050.

<sup>811</sup> Letter from Carl Marcy, chief of staff for the US Senate Foreign Affairs Committee to Arthur Kuhl, Secretary to J.W. Fulbright, Chairman of the US Senate Foreign Affairs Committee, 9th August 1961. US National Archives (Washington D.C.) SFO-T.5 (Senate Committee of Foreign Relations, 90th Congress), Box labelled ‘Single Convention’.

<sup>812</sup> McAllister, p. 217.

<sup>813</sup> McAllister, p. 217.

support the motion in favour of the Single Convention, with only the US voting against it.<sup>814</sup> After Yates' big push for ratification of the Single Convention in 1962/3, the Opium Protocol gained few new supporters.<sup>815</sup> Here we can see an example of what Grayson and Collins have described as "Frankenstein's Monster"<sup>816</sup> whereby the US lost control of the securitizing move and the end result was very different from that which they had demanded.

In 1967 the US eventually ratified the Single Convention and testimony to Congress in support of ratification acknowledged that

Whatever the imperfections of the Single Convention with respect to the control of opium production, the Treasury is now persuaded that they are far outweighed by the broad coverage of the treaty... Moreover the imperfections of the Convention do not appear as real or as significant as they did a few years ago.<sup>817</sup>

The US had not been alone in their resistance to the Single Convention. In his testimony to Congress, Anslinger emphasised the continuing close relationship with France, noting that both France and the US "struggled hand in hand at the conference to improve the convention" and that both countries eventually agreed to ratify the Single Convention in concert with one another.<sup>818</sup> Though the aim was for the Single Convention to be the "convention to end all drug conventions",<sup>819</sup> this was not to be. In 1972, the US called for the Single Convention to be amended in order to tighten up the drug control system further. The drug control system was also expanded by the 1971 UN Convention on

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<sup>814</sup> McAllister p. 217.

<sup>815</sup> McAllister, p. 218.

<sup>816</sup> Grayson, 'Securitization and the Boomerang Debate', pp. 337-343; Collins, 'Frankenstein's Monster', pp. 567-588.

<sup>817</sup> Statement of James Pomeroy Hendrick (special assistant to the Treasury) before the Senate Committee on Foreign Relations in connection with the ratification of the Single Convention on Narcotic Drugs, 27th April 1967, pp. 13-14. US National Archives (Washington D.C.) SFO-T.5 (Senate Committee of Foreign Relations, 90th Congress), Box labelled 'Single Convention', pp. 13-14.

<sup>818</sup> Statement of Harry J. Anslinger before the Senate Committee on Foreign Relations in connection with the ratification of the Single Convention on Narcotic Drugs, 27th April 1967, p. 14. US National Archives (Washington D.C.) SFO-T.5 (Senate Committee of Foreign Relations, 90th Congress), Box labelled 'Single Convention', p. 14.

<sup>819</sup> May, Comments and Possibilities' [online].

Psychotropic Substances which brought synthetic drugs<sup>820</sup> under international control, and later by the 1988 UN Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances that demanded states apply criminal penalties to all aspects of illicit trafficking, production and use of drugs.<sup>821</sup>

During the ratification process the main actor in the securitizing move changed. Initially the US had been the predominant actor but once they withdrew their support for the convention, the British, Canadians and supporting CND members took responsibility for gaining enough ratifications to bring it into international law. As mentioned above, many of the demands made by the control-orientated states were dropped in order to achieve broad international acceptance. Here we see the inter-subjective nature of the securitizing move, as well as one of its key goals: universality.

#### **4. Context: US hegemonic power and the international system**

As was shown in Chapter Three, the US had been consistently calling for the prohibition of drugs for non-medical and scientific purposes since the beginning of the twentieth century, but this demand had been met with resistance. This began to change during World War II for a number of inter-related reasons. Firstly, the US used its growing status as a military power to persuade the European colonial states to end their opium monopolies in Asia. Secondly, decolonisation in Asia meant that the European powers no longer had to take uncomfortable, paradoxical, positions towards drugs in their colonial territories and at home. Finally, the birth of the UN created powerful motives for states to be seen to be participating in the international system rather than outside it. These contextual factors all contributed to the establishment of a legitimate referent object (humankind), the political capital of the 'actor(s)' (the US and the UN), the discursive and non-discursive practices that constructed drugs to be threatening, and the willingness of the 'audience(s)' to accept this threat.

During World War II, Anslinger and other members of the 'inner circle'<sup>822</sup> proposed that once the US forces had helped liberate the European Asian territories from the Japanese, the governments should commit to ending their opium monopolies and prohibit opium smoking.<sup>823</sup> The 'inner circle' framed

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<sup>820</sup> The term 'synthetic drugs' refers to "a psychotropic substance manufactured by a process of full chemical synthesis." As opposed to one that has natural plant origins. See, United Nations, *Commentary on the Convention on Psychotropic Substances*, E/CN.7/598, (New York: United Nations, 1976), p. 12.

<sup>821</sup> Jelsma, p. 5.

<sup>822</sup> McAllister, pg. 149.

<sup>823</sup> Bewley-Taylor, *United States and International Drug Control*, p. 45; McAllister, p. 150.

the ending of the opium monopolies as a military matter rather than a civilian one in order to limit debate on the issue.<sup>824</sup> Anslinger hinted to the British and Dutch governments that ending the opium monopolies was official US government policy even though it had not, at the time, been formally agreed upon.<sup>825</sup> The State Department were alarmed by Anslinger's unilateral action but after consulting with the Treasury, War and Navy Departments – all of whom favoured the policy – they reluctantly supported the moves.<sup>826</sup> Shortly after Anslinger's diplomatic approaches, a similar argument was put forward by Congressman Walter Judd<sup>827</sup> who argued that

an additional reason for our making representations [on opium prohibition] at this time is that some of these countries [Britain, France, and the Netherlands] are dependent upon us today as they have not been before. They need our money, our materials, our men. We therefore have position of special influence.<sup>828</sup>

Judd also argued that US influence over non-Allied powers had also increased, noting that “most of the producer countries are in considerable degree dependent upon us, and we need only to urge that they put into effect promises they made 30 years ago at The Hague.”<sup>829</sup> The Congressman put forward the Judd Resolution which stipulated that the US government should put pressure on opium producing countries to control the amounts of opium grown and see World War II as a chance to end illicit poppy production and trade; the resolution passed in the House and the Senate unanimously and was accepted as US government policy.<sup>830</sup> The acceptance of the Judd Resolution as US government policy created a clear strategy and encapsulated Anslinger's objectives despite it having been developed independently from him.<sup>831</sup> Here we see an example of the US using the political capital gained through their role in World War II as a lever to gain concessions for the European powers. This said, and even considering Buzan et al.'s assertion that the securitization process can rest on “coercion as

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<sup>824</sup> Collins, 'Breaking the Monopoly System', p. 9.

<sup>825</sup> Collins, 'Breaking the Monopoly System', p. 11; McAllister, p. 151.

<sup>826</sup> McAllister, p. 151.

<sup>827</sup> Dr Walter Judd had previously been a missionary doctor in China from 1925-1931 and 1935-1938. He went on to become Republican Congressman for Minnesota from 1943-1963. See, Biographical Directory of the United States Congress, *Congressional Biography of Walter Judd* [online]. Available from: <  
<http://bioguide.congress.gov/scripts/biodisplay.pl?index=J000278>> (accessed 12/04/13).

<sup>828</sup> Dr Judd's speech to the US Congress, US Congressional record 21st February 1944, in FO-371/39366.

<sup>829</sup> Dr Judd's speech to the US Congress, US Congressional record 21st February 1944, in FO-371/39366.

<sup>830</sup> Collins, *Regulations and Prohibitions*, p. 87.

<sup>831</sup> Collins, *Regulations and Prohibitions*, p. 88

well as on consent”,<sup>832</sup> the process of securitizing the non-medical/non-scientific production and use of drugs was clearly an intersubjective process as has been illustrated in this chapter. By the end of World War II there was a growing community of states who had come to accept that the prohibition of non-medical/non-scientific production and use of drugs would help reduce the ‘drug threat’. The US used a combination of political coercion - through the need for US military support during World War II to liberate European Asian colonies - and rhetorical coercion - by accusing producer states of benefiting from an immoral trade, a critique that tied in with domestic discourses in countries such as Britain - to make it harder to justify maintaining opium monopolies.<sup>833</sup> Furthermore, the US constructed the narrative that it had ‘won’ World War II, which in its view made it the leader of the free world and gave it the power and responsibility to restructure the international system.<sup>834</sup> This belief reinforced their view that international drug control was their responsibility. After the end of World War II and the formation of the UN, there was a powerful imperative for states to participate in the international system. The birth of the UN, and particularly the creation of the UN Charter, established international norms and moral authority.<sup>835</sup> As has already been discussed in Chapter Three, since the ‘foundational treaties’ were drafted, international cooperation had been the cornerstone of the drug control system. The creation of the UN, then formalised this international system as well as reinforcing the ‘global self’ as a legitimate referent object.

Whilst the US failed to get all of their objectives incorporated into the Single Convention, their role in influencing the drug control *dispositif* cannot be underestimated. As countries integrated the Single Convention into their domestic legal codes, US-style prohibition became the predominant mode of drug control. As will be shown in Chapter Five, a new securitization of drugs by the Reagan administration reoriented the drug control *dispositif* once again, so that increased criminalisation and militarised drug law enforcement became accepted as tools of the drug control system.

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<sup>832</sup> Buzan et al., p. 25.

<sup>833</sup> The anti-opium movement had been influencing public discourse on the drug trade since the late 19<sup>th</sup> century. See, Bull, p. 37; Berridge, *Opium and the People*, p. 173.

<sup>834</sup> Jutta Weldes, ‘The Cultural Productions of Crises: U.S. Identity and Missiles in Cuba’, in *Cultures of Insecurity: States, Communities, and the Production of Danger*, ed. by Jutta Weldes, Mark Laffey, Hugh Gusterson and Raymond Duvall, (Minneapolis: University of Minnesota Press, 1999), p. 4.

<sup>835</sup> Michael Barnett, ‘Peacekeeping, Indifference and Genocide in Rwanda’ in *Cultures of Insecurity: States, Communities, and the Production of Danger*, ed. by Jutta Weldes, Mark Laffey, Hugh Gusterson and Raymond Duvall, (Minneapolis: University of Minnesota Press, 1999), p. 196.

## 5. Conclusion

This chapter has analysed the language used in the securitizing move, the political capital of, and relationships between the ‘actor(s)’ and ‘audiences’, the context in which the speech acts were made and practices that influenced the securitization of drugs. By the end of World War II, the US (the actor) was able to use its growing political capital in order to persuade the audience (the European colonial powers and the producer states) that its objective – the prohibition of non-medical/non-scientific production and use of drugs – was the most effective way of dealing with the ‘drugs threat’. Here we see an example of how an actor’s power and capability can make it easier to persuade an audience: the US had both military and diplomatic power over the European colonial states because they needed US help to liberate their territories and therefore the US used this power to gain support for their objectives. This reinforces the proposal in this thesis that when it comes to the speech act of a securitizing move, it is not just what is said, as much as when it is said and by whom, that is crucial to understanding how such a move became accepted. Furthermore, non-discursive practices (including policy implementation or non-implementation) play a significant role in established the securitization as well.

The Single Convention can be seen as meeting Salter’s securitization threshold,<sup>836</sup> as discussed in Chapter Two, because the issue of drugs was debated in detail at the plenipotentiary conference and preceding League of Nations and CND meetings. By the time the 1972 Amending Protocol was ratified, the non-medical use of drugs was accepted as being a threat to humankind, even by states that claimed to have no illicit production or use.<sup>837</sup> Through the near-universal adherence to the Single Convention, the solutions proposed to counteract the threat - prohibition of non-medical/non-scientific use of drugs – were largely accepted at least for a time. Whilst few new powers were given to the agent - the UN bodies – at the international level, prohibition at the domestic level gave new tools to the state to deal with the issue. The Single Convention did not demand that countries institute the prohibition of drugs for non-medical purposes, but the commitment to limit drugs only to medical and scientific use (Article 4) along with the onerous regulations surrounding statistics (Article 13) and estimates (Article 12) created the situation whereby prohibition became the most common form of drug control. This led to the drug control *dispositif* becoming prohibitionist in character and limited

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<sup>836</sup> Salter, ‘When securitization fails’, p. 120.

<sup>837</sup> For example, Dahomey, argued that it “was not a producer of narcotic drugs and had no illicit traffic [but] it wished to co-operate with other countries... [to protect] from such evils.” See, United Nations, E/CONF.34/24-e, p. 10.



the range of options available to nation states when considering the 'drug problem'. As will be discussed in more detail in Chapter Six, even when countries instituted policies that were allowed under the Single Convention, such as decriminalisation of possession or harm reduction programmes, they were harshly criticised by the drug control bodies and the US for not abiding by the 'spirit' of the conventions. This shows that even though the Single Convention was not explicitly prohibitionist in outlook, the international drug control system, and the drug control *dispositif* had taken on the form of a prohibition system.

## Chapter Five

### The Drug Trade as a Threat to 'The Integrity of Democratic Governments':

#### The Construction of Drugs as a Threat to the Nation State in US National Security Decision

##### Directive 221 (1986)

### 1. Introduction

The aim of this chapter is two-fold: to map the processes through which drug use and drug trafficking became securitized under US President Reagan and to analyse how this securitization impacted upon the drug control *dispositif*. The critical year under analysis is 1986, when Reagan made a concerted effort to underline the threat posed by drugs to the security of the US state, but also to the security of the American people and the wider international order. 1986 was the year when National Security Decision Directive-221 (NSDD-221) was produced and also when public concern about the threat posed by drugs hit a peak that had not been seen since the Nixon era.<sup>838</sup> However, in order to fully understand how drugs came to be securitized by the Reagan administration, NSDD-221 should be considered as an important nodal point in a series of securitizing speech acts that began in 1981 with Reagan's proposed amendment to the Posse Comitatus Act. Furthermore, Reagan's securitization of drugs was built upon foundations laid by President Nixon and the launch of his 'war on drugs' in 1971<sup>839</sup> as well as previous examples of discourses linking drugs, drug users and drug trafficking to threatening 'others' stretching back to the nineteenth century<sup>840</sup> (see Chapters One and Three).

From the perspective of the development of US drug policy, analysis of NSDD-221 is useful because although its major focus is on the threat caused by drug trafficking to national security, from the very beginning, the document recognised the perceived threats caused by domestic use of drugs as well.<sup>841</sup> NSDD-221, therefore, expressed a concern with both national and societal security. It also situated the 'drug threat' in its geo-political context of the Cold War by naming three Soviet-allies (Bulgaria, Cuba and Nicaragua) as countries that were using drug trafficking for financial and political reasons.

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<sup>838</sup> Goode and Ben-Yehuda, p. 213; Eric L. Jensen, Jung Gerber and Ginna M. Babcock, 'The New War on Drugs: Grass Roots Movement or Political Construction?', *The Journal of Drug Issues*, Vol. 21, No. 3, 1991, p. 656.

<sup>839</sup> Richard Nixon launched his so-called 'War on Drugs' with a speech designating drug abuse as "public enemy number one". See, Richard Nixon, 'Remarks About an Intensified Program for Drug Abuse Prevention and Control', 17th June 1971, *The American Presidency Project*, Gerhard Peters and John T. Woolley [online]. Available from: <<http://www.presidency.ucsb.edu/ws/?pid=3047>> (accessed 25/03/13).

<sup>840</sup> For example, the 1875 San Francisco Opium Ordinance specifically targetted Chinese immigrants. See, Musto, pp. 3-5.

<sup>841</sup> The White House, *National Security Decision Directive 221*, p. 1.

Furthermore, as will be discussed below, the US concern about the threats posed by drug use and drug trafficking shaped international discourses on the drug trade and this was reflected in the 1988 UN Convention Against Illicit Trafficking Narcotic Drugs and Psychotropic Substances. NSDD-221 and the new UN convention represented a reorientation in the drug control *dispositif* through an emphasis on increased concern about international drug trafficking as a threat to national security and the militarisation of the 'war on drugs'.

Further to this, the chapter argues that the Reagan administration identified a new referent object, one that included both US society and values and the (US) state. Reagan, from the very beginning of his administration, saw the military as key to aiding drug law enforcement. The 1981 Posse Comitatus amendment should be seen as the beginning of the securitizing move relating to drugs under Reagan. Although, at this point the amendment merely legislated for the military to provide technical – or 'passive' – support for the Coast Guards and Customs officials; the military were still prohibited from 'actively'<sup>842</sup> participating in counter-narcotics operations. This prohibition was lifted in 1986 when Reagan signed NSDD-221 which set out how the military and intelligence agencies should play an active part in counter-narcotics operations overseas.

NSDD-221 was only one aspect of the securitization of drugs under the Reagan administration however. It dealt predominantly with the international production and trafficking of the illicit drugs, in other words supply-control. The domestic focus of the Reagan administration's drug policy concentrated largely on demand-control – reducing drug use – in the United States although it also increased criminal sanctions on drug dealers and traffickers as well. In the early years of Reagan's presidency, Nancy Reagan began to take an interest in reducing drug use domestically and she coined the phrase 'Just Say No'.<sup>843</sup> The 'Just Say No' campaign should be seen as part of the domestic dimension of the Reagan administration's securitizing move against all aspects of the drug trade. Both

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<sup>842</sup> I am using the term 'active' here to denote a situation in which US military service personnel participated in the operations on contrast to situations where they gave 'passive' support through lending technology or expertise. The terms 'active' and 'passive' are commonly used when determining whether the PCA has been violated. See, Mark P. Nevitt, 'Unintended Consequences: The Posse Comitatus Act in the Modern Era', *Cardozo Law Review*, Vol. 36, October 2014, p. 150; Charles Doyle and Jennifer K. Elsea, *The Posse Comitatus Act and Related Matters: The Use of the Military to Execute Civilian Law*, Congressional Research Service (CRS) Report for Congress, (Washington D.C.: CRS, August 2012), p. 56.

<sup>843</sup> Baum, *Smoke and Mirrors*, pp. 199-200.

Ronald and Nancy Reagan regularly used their speeches to emphasise the dangers that drug use and trafficking could pose to the national security of the US and to the American people.

During the Reagan administration, the international and domestic aspects of drugs were frequently linked together but different solutions were proposed. Within the US, the blame was put squarely on those who used and sold drugs and the solutions ranged from increasing the mandatory minimum sentences for drug offences to random drug testing in federal workplaces and the 'Just Say No' campaign. Externally, however, solutions were even more stringent. They included using the military to carry out operations against drug producers and traffickers and cutting off US aid to countries that were deemed to be not fully committed to US counter-narcotics policies and the 1988 UN Convention Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances.<sup>844</sup>

This chapter provides new insights into the Reagan administration's drug policy agenda. This includes analysis of archival documents that have not been scrutinised in detail before. None of the scholars looking at the Reagan's administration's drug policy referenced documents in the Ronald Reagan Presidential Library and Museum in California, which form the basis of my archival research for this chapter. William L. Marcy<sup>845</sup> has done detailed archival research into the Reagan era (amongst others) but used the US National Security Archives rather than the Reagan archives. Ted Galen Carpenter<sup>846</sup> did not use archival documents and instead used media sources and academic publications to complete his research. Furthermore, there is little detailed analysis of NSDD-221 in the scholarly work on this subject. Part of this lacunae may be because the document was only partially declassified in 2005 and only fully declassified in 2011, meaning that those writing before this time were unable to read it and had to rely on secondary analysis of it. Because many documents in the archives were still classified when I undertook this research, I have analysed newspaper articles from the *Washington Post* and *New York Times* in the year 1986. This has provided alternative voices to the official narratives found in the archives. I also reviewed biographies and memoirs by key players in the Reagan

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<sup>844</sup> United States Committee on International Relations, Committee on Foreign Relations Legislation, *Legislation on Foreign Relations Through 2002*, Volume I–A, Current Legislation and Related Executive Orders, (Washington D.C.: U.S. Government Printing Office, July 2003), pp. 185-189 & pp. 189-194.

<sup>845</sup> William L. Marcy, *The Politics of Cocaine: How U.S. Foreign Policy Has Created a Thriving Drug Industry in Central and South America*, (Chicago: Chicago Review Press, 2010).

<sup>846</sup> Ted Galen Carpenter, *Bad Neighbor Policy: Washington's Futile War on Drugs in Latin America*, (New York: Palgrave Macmillan, 2003).

administration and journalistic histories of the Central Intelligence Agency (CIA),<sup>847</sup> although these books brought little additional information to light. In fact, there are very few references to drug policy in the memoirs and autobiographies which suggests that the 'drug problem' was not in itself an important policy issue for the authors. In Ronald Reagan's memoirs and diaries, the only references to drug policy relate to Nancy's concern about the issue. George Shultz is the exception here and when he did discuss drug policy, he challenged the status quo<sup>848</sup> as will be discussed later in this chapter.

In order to investigate the securitization process under Reagan, this chapter will firstly analyse the speech acts carried out by the Reagan administration and other actors. It will then identify various practices that support or sediment the securitizing process. Next the chapter will deconstruct the key actors and audiences participating in the securitizing moves, and finally it will explore the context in which these securitizing acts and agents were situated. The aim is to fully deconstruct the process of securitizing drug use and drug trafficking by the Reagan administration, and to analyse how this securitization affected the drug control *dispositif*. This chapter concludes that although the Reagan administration's securitization of drugs followed the pattern of using pre-existing narratives surrounding the threats posed by drugs, drug users and drug traffickers, it put forward a new, militarised, approach to dealing with the 'drug problem' overseas. The administration also increased criminal sanctions and emphasised demand control at home. There were a range of elite agents that contributed to this process including the executive branch, the legislative branch, several federal organisations and the US First Lady Nancy Reagan. The securitization of drugs was not simply a 'top down' process however. Congress, the media and the 'Parent Power' movement who had campaigned for a 'zero-tolerance' approach to drug use<sup>849</sup> all played a role in demanding harsher policies and creating an environment that was supportive of such practices. The geo-political context in which the speech acts were made, one of the Cold War and political destabilisation in Central America, also contributed to laying the groundwork for the successful securitization of drugs. Nancy Reagan's 'Just Say No' campaign, as well as the highly emotive language used by both of the Reagans', and wide-

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<sup>847</sup> Reagan, *The Reagan Diaries*; Weinberger *Fighting for Peace*; Regan; Bob Woodward, *Veil: The Secret Wars of the CIA*, (New York: Simon & Schuster, 1987); Douglas Valentine, *CIA as Organised Crime: How Illegal Operations Corrupt America and the World*, (Atlanta, GA., Clarity Press, 2017).

<sup>848</sup> George Shultz, 'Drugs: The War with no Winner' in *Issues on My Mind: Strategies for the Future*, (Stanford, CA.: Hoover Institution Press, 2013).

<sup>849</sup> Jerome E. Beck, '100 Years of "Just Say No" Versus "Just Say Know": Reevaluating Drug Education Goals for the Coming Century', *Evaluation Review*, Vol. 22: 1, February 1998, pp. 24-25; Goode and Ben-Yehuda, p. 205.

spread media hysteria over crack cocaine, reflected the administration's emphasis on 'family values' and created a situation whereby a significant proportion of the general public were willing to accept, and indeed sometimes call for, harsh policies against drug users and drug traffickers.

## **2. The securitizing 'acts': speech act(s) and practices**

This section will firstly analyse NSDD-221 as securitizing speech act. It will then analyse the discursive and rhetorical strategies used by the agent, before finally exploring some of the practices that contributed to supporting and sedimenting the securitization process.

### **2.1. National Security Decision Directive 221 (NSDD-221) as a speech act**

As suggested above, NSDD-221 can be considered the primary securitizing speech act in this case study but before examining the detail of this speech act in itself it is worth contextualising its significance against the wider backdrop of what National Security Decision Directives are and how they have tended to be used historically. Most National Security Directives (NSDs)<sup>850</sup> are classified and they are often not even announced to Congress.<sup>851</sup> NSDD-221 however was publicly announced by Vice President George Bush<sup>852</sup> and a fact sheet was produced summarising its content,<sup>853</sup> which makes it quite unusual in this respect, although not wholly exceptional. Reagan also issued a fact sheet about NSDD-207 concerning terrorism shortly after signing it into law.<sup>854</sup> NSDD-207 and NSDD-221 were issued within three months of each other and reflected the Reagan administration's growing concern

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<sup>850</sup> Since Eisenhower US presidents have issued national security directives under a variety of different names including National Security Decision Memoranda, National Security Directives, National Security Decision Directives, Presidential Decision Directives and National Security Presidential Directive. Despite the different names they all had the same function and power. See, Vikki Gordon, 'The Law: Unilaterally Shaping U.S. National Security Policy: The Role of National Security Directives', *Presidential Studies Quarterly*, Vol. 37: 2, June 2007, p. 350.

<sup>851</sup> Vikki Gordon, 'National Security Directive Classification', *Government Information Quarterly*, Vol. 27, 2010, p. 322.

<sup>852</sup> Times Wire Services, 'Bush discloses Directive Tying Drugs to Terror', *Los Angeles Times*, 8th June 1986 [online]. Available from: <[http://articles.latimes.com/1986-06-08/news/mn-9648\\_1\\_drug-traffic](http://articles.latimes.com/1986-06-08/news/mn-9648_1_drug-traffic)> (accessed 26/10/15).

<sup>853</sup> NSDD-221 fact sheet for release, in the Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Series I, Chron File August 1986 – September 1986, Box 3.

<sup>854</sup> Gordon, 'National Security Directive Classification', p. 322.

about the threats posed by non-state actors such as terrorists and drug traffickers.<sup>855</sup> In analysis of which presidents issued the most NSDs, it was found that Reagan issued the most, with Kennedy and Nixon coming second and third. It should be noted, however, that Reagan served two full terms unlike Kennedy or Nixon.<sup>856</sup> Reagan was not the only US president to issue a National Security Directive concerning drugs, in fact there have been seven NSDs concerning drugs.<sup>857</sup> The first was issued under the Nixon/Ford administration and concerned Turkish opium production;<sup>858</sup> then came NSDD-221; President George H.W. Bush issued two, one concerning cocaine trafficking,<sup>859</sup> and the other regarding overseas counter-narcotics operations;<sup>860</sup> Clinton also produced two, one relating to counter-narcotics operations in the Western hemisphere,<sup>861</sup> and another on heroin control;<sup>862</sup> the final one was produced under George W. Bush regarding drug trafficking.<sup>863</sup>

The president of the US has a range of tools that allow him to unilaterally change policy; one of these is the National Security (Decision) Directive (NSD).<sup>864</sup> NSDs have a number of functions: firstly, to help

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<sup>855</sup> Michael Kenney 'Drug Traffickers, Terrorists Networks, and Ill-Fated Government Strategies', in *New Threats and New Actors in International Security*, ed. by Elke Krahmann, (New York: Palgrave Macmillan, 2005), p. 70.

<sup>856</sup> Gordon, 'The Role of National Security Directives', p. 362.

<sup>857</sup> Gordon, 'The Role of National Security Directives', p. 358.

<sup>858</sup> National Security Council, *National Security Decision Mechanism-267 on Turkish Opium Production*, (Washington D.C.: National Security Council, August 1974) [online]. Available from: <<https://www.fordlibrarymuseum.gov/library/document/0310/nsdm267.pdf>> (accessed 16/07/14).

<sup>859</sup> The White House, *National Security Directive-13 on Cocaine Trafficking*, (Washington D.C.: The White House, June 1989) [online]. Available from: <<https://fas.org/irp/offdocs/nsd/nsd13.pdf>> (accessed 16/07/14).

<sup>860</sup> The White House, *National Security Directive-18 on International Counternarcotics Strategy*, (Washington D.C.: The White House, August 1989) [online]. Available from: <<https://fas.org/irp/offdocs/nsd/nsd18.pdf>> (accessed 16/07/14).

<sup>861</sup> The White House, *Presidential Decision Directive/NSC-14 on U.S. Policy on International Counternarcotics in the Western Hemisphere*, (Washington D.C.: The White House, November 1993) [online]. Available from: <<https://fas.org/irp/offdocs/pdd/pdd-14.pdf>> (accessed 16/07/14).

<sup>862</sup> The White House, *Presidential Decision Directive/NSC-44 on Heroin Control Policy*, (Washington D.C.: The White House, November 1995) [online]. <<https://fas.org/irp/offdocs/pdd44.htm>> (accessed 16/07/14).

<sup>863</sup> The White House, *National Security Presidential Directive-25 on [title classified] 'directs U.S. government agencies to attack the vulnerabilities of drug trafficking organizations'*, Jan/Feb 2003 [date classified] (link not available).

<sup>864</sup> Gordon, 'The Role of National Security Directives', p. 349.

inform the president's decisions about national security, secondly, to communicate and record their decisions,<sup>865</sup> and thirdly, to coordinate policy cooperation across different departments and agencies.<sup>866</sup> On occasion NSDs have also been used as instruments of 'public diplomacy' (or, some would argue, as a component part of propaganda strategies) and as such they can be used to shape either foreign or domestic public opinion as well as Congressional opinion.<sup>867</sup> NSDD-221 provided all these functions and because it was communicated to both Congress and the general public, I argue that it particularly functioned as 'public diplomacy'. Vice-President Bush stated that the reason he was announcing NSDD-221 was so that "every American will understand [that there is] a very real link between drugs and terrorism"<sup>868</sup> and that "we must convey that when you buy drugs you can also very well be subsidizing terrorist activities overseas".<sup>869</sup> Whilst he emphasised the links between drug trafficking and terrorist groups, he also stated that the 'drug problem' was an issue of demand as well as supply, arguing that in the long-term, the solution lies at home where "there must be a dramatic reduction in the demand for drugs".<sup>870</sup> Accompanying the predominant speech act were a multitude of subsidiary speech acts carried out by Reagan himself, Reagan administration officials and Nancy Reagan that were directed at different audiences as will be discussed on more detail below. These speech acts used "heuristic cues"<sup>871</sup> and rhetorical strategies to emphasise the threats to US national and societal security posed by drugs and the trade that supplied them, but also explicitly laid the blame on Americans who used drugs. For example, Reagan argued that "Your government will continue to act aggressively, but nothing would be more effective than for Americans simply to quit using illegal drugs."<sup>872</sup>

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<sup>865</sup> Gordon, 'The Role of National Security Directives', p. 353.

<sup>866</sup> Gordon, 'The Role of National Security Directives', pp. 354-355.

<sup>867</sup> Gordon, 'The Role of National Security Directives', p. 359.

<sup>868</sup> Neil A. Lewis, 'Bush Discloses Secret Order Citing Drugs as Security peril', *New York Times*, 7<sup>th</sup> June 1986.

<sup>869</sup> Times Wire Services, 'Bush Discloses Directive Tying Drugs to Terror', *Los Angeles Times*, 8<sup>th</sup> June 1986 [online]. Available from: <[http://articles.latimes.com/1986-06-08/news/mn-9648\\_1\\_drug-traffic](http://articles.latimes.com/1986-06-08/news/mn-9648_1_drug-traffic)> (accessed 26/10/15).

<sup>870</sup> Associated Press, 'Reagan Signs Anti-Drug Directive', *Christian Science Monitor*, 9<sup>th</sup> June 1986 [online]. Available from: <<https://www.csmonitor.com/1986/0609/afill09a.html>> (accessed 26/10/15).

<sup>871</sup> Balzacq, 'A Theory of Securitization', p. 14.

<sup>872</sup> Ronald Reagan and Nancy Reagan, *Address to the Nation to Launch Campaign Against Drug Abuse*, 14<sup>th</sup> September 1986, Ronald Reagan Presidential Library and Museum [online]. Available from: <<https://reaganlibrary.archives.gov/archives/speeches/1986/091486a.htm>> (accessed 25/03/15).



### 2.1.1. Referent object

Whereas Anslinger and Nixon's campaigns against drug use had focussed on US society and values as the object that needed to be protected (see Chapters One and Four), NSDD-221 established a new referent object in relation to the drug threat: the US state. NSDD-221's primary focus was on the way the illicit drugs trade "has created a situation which today adds another significant dimension to the law enforcement and public health aspects of this international problem and threatens the national security of the United States."<sup>873</sup> Whilst it recognised that "the domestic effects of drugs are a serious societal problem for the United States",<sup>874</sup> it made clear that the major concern was the national security of the US. Though the first page refers to the threats posed to the security of "democratic states of the Western Hemisphere",<sup>875</sup> the directive stated that this was an issue predominantly because "the international drug trade threatens the national security of the United States by potentially destabilizing democratic allies"<sup>876</sup>. It can therefore be concluded that in this speech act, the primary referent object was US national security although it was recognised that US societal security was also threatened by drugs. NSDD-221 contributed to the reorientation of the drug control *dispositif* at the international level through its identification of drugs trafficking as a threat to the state. This new referent object was reflected in the 1988 UN Convention which stated that signatory states recognise "the links between illicit traffic and other related organized criminal activities which undermine the legitimate economies and threaten the stability, security and sovereignty of States".<sup>877</sup> The accompanying subsidiary speech acts often concerned themselves both with the national security and societal security of the US, sometimes blurring these together into an overarching referent object of the United States which incorporated both 'the state' and 'the citizens' of the US. This will be explored in more detail below.

### 2.1.2. The existential threat(s)

As illustrated in Table 1 (the Drug Control *Dispositif*, p. 18), NSDD-221 and its accompanying speech acts identified drugs, drug use, drug trafficking and drug production as threats. The stated aim of NSDD-221 was to "identify the impact of the international narcotics trade upon U.S. national

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<sup>873</sup> The White House, *National Security Decision Directive 221*, p. 1.

<sup>874</sup> The White House, *National Security Decision Directive 221*, p. 1.

<sup>875</sup> The White House, *National Security Decision Directive 221*, p. 1.

<sup>876</sup> The White House, *National Security Decision Directive 221*, p. 2.

<sup>877</sup> United Nations, *United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988* (Vienna: United Nations, 1998) p. 1.

security”.<sup>878</sup> NSDD-221 clearly identified the existential threat as the global illicit drugs trade and argued that these threats were “particularly serious outside U.S. borders.” NSDD-221 then expanded the threat beyond simply the trade itself to include “those nations with a flourishing narcotics industry, where a combination of international criminal trafficking organizations, rural insurgents, and urban terrorists can undermine the stability of the local government; corrupt efforts to curb drug crop production, processing, and distribution”.<sup>879</sup>

NSDD-221 identified three countries - Bulgaria, Cuba and Nicaragua<sup>880</sup> - that it claimed had “supported or condoned international drug trafficking for financial or political reasons.”<sup>881</sup> The fact that these countries are specifically named seems likely to have more to do with Cold War politics than their actual level of involvement in the illicit drug trade because they were not seen as the biggest drug producer or trafficking states.<sup>882</sup> Indeed, a letter from a New York Congressman stated that “There are six foreign states that produce the bulk of the illegal drugs used in the United States – Thailand, Burma, Pakistan, Peru, Bolivia and Colombia.”<sup>883</sup> However, identifying specific Soviet Bloc states as using the illicit drug trade for political reasons played into concerns about ‘narco-terrorists’. The political resonance of the ‘narco-terror’ discourse was useful for a number of reasons, as David Campbell has argued:

The conflation of narcotics production and trafficking with insurgent and revolutionary movements in central and southern America has been an attempt, largely without foundation, to both inflate the dimensions of the danger associated with drugs, and render it more intelligible on a traditional national security register.... The power of 'narco-terrorism' as a concept is that it subsumes under one banner a number of ideas, including the assertion that

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<sup>878</sup> The White House, *National Security Decision Directive 221*, p. 1.

<sup>879</sup> The White House, *National Security Decision Directive 221*, p. 1.

<sup>880</sup> The names of these countries were not declassified until June 2011 although parts of the document were declassified in 2005.

<sup>881</sup> The White House, *National Security Decision Directive 221*, p. 2.

<sup>882</sup> Bruce Bullington and Alan A. Block, ‘A Trojan horse: Anti-Communism and the war on drugs’, *Contemporary Crises*, Vol. 14: 1 March 1990, pp 50-51.

<sup>883</sup> Letter from New York Representative Gregory W. Carman to his ‘Colleague’ (it is not clear who this letter was sent to, but it seems likely that Carlton Turner received one because a copy was found in his documents at the Reagan Presidential Archives), dated 24<sup>th</sup> September 1981. This quote comes from a section of the letter that has been blacked out but is still readable. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Drug Policy Documents (1 of 8), Box 23.

guerrilla movements finance their operations largely through drug trafficking, and the more believable argument that the principals in the drug industry employ extreme violence.<sup>884</sup>

During the 1980s Peruvian President Fernando Belaúnde Terry first articulated the 'narco-terror' threat in response to the rise of the Sendero Luminoso (Shining Path).<sup>885</sup> NSDD-221 echoed this discourse by emphasising the links between drug trafficking organisations and terrorists. Both Reagan and Vice-President Bush repeated this narco-terror discourse. Bush noted in his public announcement of NSDD-221 that "when you buy drugs you can also very well be subsidizing terrorist activities."<sup>886</sup> Reagan often claimed that the Sandinistas were involved in drug trafficking,<sup>887</sup> even when the DEA disputed this.<sup>888</sup> The concept of the 'narco-terror' threat was used by Reagan and later George H.W. Bush (as president) as cover for anti-Sandinista policies in Central America.<sup>889</sup>

NSDD-221, and its accompanying fact sheet for general release, went into detail about some of the ways in which the 'narco-terror' groups threatened US national security. Together these documents argued that the illicit drugs trade threatened the security of the US by destabilizing allied countries.<sup>890</sup> This destabilisation caused the corruption of "political and judicial institutions",<sup>891</sup> which created a situation whereby "a government ... is unable to control key areas of its territory and elements of its own judiciary, military, or economy".<sup>892</sup> This therefore allowed "trafficking organizations ... [to] control... [the] local media to influence public attitudes"<sup>893</sup> and distort "public perception of the narcotics issue in such a way that it becomes part of an anti-U.S. or anti-Western debate".<sup>894</sup> The

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<sup>884</sup> Campbell, p. 212.

<sup>885</sup> John E. Thomas, Jr., 'Narco-Terrorism: Could the Legislative and Prosecutorial Responses Threaten Our Civil Liberties?', *Washington and Lee Law Review*, Vol. 66: 4, p. 1986.

<sup>886</sup> Neil A. Lewis, 'Bush Discloses Secret Order Citing Drugs as Security Peril', *New York Times*, 7<sup>th</sup> June 1986.

<sup>887</sup> Ronald Reagan, *Address to the Nation on the Situation in Nicaragua*, 16<sup>th</sup> March 1986, Ronald Reagan Presidential Library and Museum [online]. Available from:

<https://reaganlibrary.archives.gov/archives/speeches/1986/31686a.htm> (accessed 25/03/15).

<sup>888</sup> Joel Brinkley, 'Drug Agency Rebuts Reagan Charge', *New York Times*, 18<sup>th</sup> March 1986.

<sup>889</sup> Peter Dale Scott and Jonathan Marshall, *Cocaine Politics: Drugs, Armies, and the CIA in Central America*, (Berkeley/Los Angeles, CA: University of California Press, 1998); Bullington and Block, p. 49.

<sup>890</sup> NSDD-221 fact sheet for release, in the Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Series I, Chron File August 1986 – September 1986, Box 3.

<sup>891</sup> The White House, *National Security Decision Directive 221*, p. 1.

<sup>892</sup> The White House, *National Security Decision Directive 221*, p. 2.

<sup>893</sup> The White House, *National Security Decision Directive 221*, p. 2.

<sup>894</sup> The White House, *National Security Decision Directive 221*, p. 1.

growing illicit drug trade increased levels of violence and weapons as well as provided funding for insurgents groups.<sup>895</sup> The CIA's classified National Intelligence Estimate (NIE) from 1985, on which NSDD-221 is based,<sup>896</sup> however, is more circumspect about the links between terrorist/insurgent groups and the drugs trade than NSDD-221. The NIE notes that "we judge that insurgent involvement in the drug trade has a relatively small impact on the overall narcotics situation, but access to drug money and narcotics smuggling could have a major impact on the capability of insurgent forces."<sup>897</sup> However, this argument was not made public and, therefore, the discourse of the 'narco-terror' threat was not seriously challenged. This merging of counter-narcotics and counter-insurgency strategies has perpetuated to this day through operations such as 'Plan Colombia'<sup>898</sup> and the International Security Assistance Force (ISAF) in Afghanistan.<sup>899</sup> The 'war on drugs' also allowed the US to set up air bases in various countries - particularly in Latin America - which raised concerns that they are using these 'Forward Operating Locations' in order to further wider foreign policy objectives.<sup>900</sup>

### **2.1.3. 'Extraordinary measures'**

NSDD-221 outlined a range of policy measures that needed to be enacted in order to counter the threats identified. The accompanying fact sheet set out six actions to be taken:

Full consideration of drug control activities in our foreign assistance planning. An expanded role for U.S. military forces in supporting counter-narcotics efforts. Additional emphasis on narcotics as a national security issue in discussions with other nations. Greater participation by the U.S. intelligence community in supporting efforts to counter drug trafficking. Improvements

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<sup>895</sup> The White House, *National Security Decision Directive 221*, p. 2.

<sup>896</sup> What is interesting here is that although many NIE's are made public, when NSDD-221 was initially released in a partially declassified form the reference to NIE-85 was still classified. Indeed, NIE-85 was only publicly released in 2004 and even then, only in a partially declassified form. This suggests that even after Reagan left power later US administrations still considered this document to be highly sensitive.

<sup>897</sup> Central Intelligence Agency (CIA), *The International Narcotics Trade: Implications for US Security: National Intelligence Estimate*, NIE 1/8-85, (Washington D.C.: Director of Central Intelligence, November 1985), p. 3.

<sup>898</sup> Galen Carpenter, pp. 61-67.

<sup>899</sup> Ross Eventon, *Justifying Militarisation; 'Counter-Narcotics' and 'Counter Narco-Terrorism'*, Policy Report 3, (Swansea: Global Drug Policy Observatory, 2015), pp. 2-4.

<sup>900</sup> Transnational Institute, *Forward Operating Locations in Latin America*, p. 3.

in counter-narcotics telecommunications capability. More assistance to other nations in establishing and implementing their own drug abuse and education.<sup>901</sup>

The NSDD-221 itself goes into considerably more detail about the tasks that needed to be carried out and established lines of responsibility: for example, the Secretaries of Defense and State, along with the Attorney General, “should develop and implement any necessary modifications to applicable statutes, regulations, procedures, and guidelines to enable U.S. military forces to support counter-narcotics efforts more actively, consistent with the maintenance of force readiness and training...”<sup>902</sup>

The Director of the CIA in conjunction with the Attorney General and relevant agencies

should enhance, where appropriate, support of the drug enforcement effort targetted against international drug traffickers, particularly those with known or suspected ties to terrorist or insurgent groups. Such enhanced effort shall be in accordance with applicable Presidential Findings and the National Security Act of 1947.<sup>903</sup>

These two stipulations potentially allowed the administration and federal organisations to give financial, military and intelligence support to the Nicaraguan Contras since the country was named in NSDD-221, something that had been prevented under the Boland Amendments of 1982, 1983 and 1984.<sup>904</sup> Regardless of the Boland Amendment, however, National Security Council members such as Oliver North and John Poindexter continued to fund the Contras throughout this period because they claimed that they thought “that the Boland Amendment did not apply to the N.S.C. staff”.<sup>905</sup> By October of 1986 however, Congress lifted the ban on funding for the Contras and agreed to Reagan’s request for \$100 million in aid.<sup>906</sup>

The directive also went into detail about the various roles and responsibilities for members of the administration with regards to dissemination and coordination strategies. It stated that the Director

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<sup>901</sup> NSDD-221 fact sheet for release, in the Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Series I, Chron File August 1986 – September 1986, Box 3.

<sup>902</sup> The White House, *National Security Decision Directive 221*, p. 3.

<sup>903</sup> The White House, *National Security Decision Directive 221*, p. 4.

<sup>904</sup> David Mervin, *Ronald Reagan & The American Presidency*, (Harlow: Longman Group, 1990), p. 155.

<sup>905</sup> Admiral John Poindexter testimony to the Iran-Contra Hearings quoted in, ‘IRAN-CONTRA HEARINGS; The Testimony: On the Boland Amendment and the President’, *New York Times* [online], 17<sup>th</sup> July 1987. Available from: <<http://www.nytimes.com/1987/07/17/world/iran-contra-hearings-the-testimony-on-the-boland-amendment-and-the-president.html?pagewanted=all>>(accessed 16/10/2017).

<sup>906</sup> Woodward, p. 509.

of the CIA, along with the Attorney General and Secretaries of State and Treasury, should share and disseminate intelligence with the relevant law enforcement agencies;<sup>907</sup> the CIA should give special emphasis to collecting data on drug production and trafficking with a particular focus on the links between drug trafficking and insurgent/terrorist groups;<sup>908</sup> and finally that the Secretary of Defense should set up and oversee a robust inter-agency communications system for drug-related operations.<sup>909</sup> NSDD-221 created the conditions for a new form of military involvement than had previously been allowed. For example, Operation Bahamas and Turks and Caicos (OPBAT), started in 1982, was an example of military cooperation within the realm of drug law enforcement that was instigated after the Posse Comitatus Act had been amended.<sup>910</sup> US OPBAT military personnel were not allowed to fire their weapons even if they sustained enemy fire. After NSDD-221 was created, however, the rules of engagement were changed to allow American military personnel to fire their weapons if they came under fire.<sup>911</sup> The 'extraordinary measures' proposed in this securitizing move created a militarised response to the threat as was exemplified by Operation Blast Furnace in July 1986.

#### *1986 Operation Blast Furnace*

Operation Blast Furnace in Bolivia was the first operation to be legitimated by NSDD-221.<sup>912</sup> The operation involved six US military Black Hawk helicopters, 160 support personnel and 15 Drug Enforcement Administration (DEA) agents working with the Bolivian police in order to disrupt the production and supply of cocaine from the Chapare region.<sup>913</sup> Though the operation succeeded in reducing the supply of cocaine into the US, it was recognised even at the time that this was a short

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<sup>907</sup> The White House, *National Security Decision Directive 221*, p. 4.

<sup>908</sup> The White House, *National Security Decision Directive 221*, p. 4.

<sup>909</sup> The White House, *National Security Decision Directive 221*, p. 5.

<sup>910</sup> Marcy, p. 53; Drug Enforcement Administration, *DEA History 1980-1985*, Drug Enforcement Administration, [online]. Available from: <<https://www.dea.gov/about/history/1980-1985%20p%2049-58.pdf>> (accessed 10/07/14).

<sup>911</sup> Joel Brinkley, 'U.S. Sends Troops to Aid Bolivians in Cocaine Raids', *New York Times*, 15<sup>th</sup> July 1986.

<sup>912</sup> Raphael Perl, *Narcotics Control and the US Military Personnel Operations in Bolivia and Issues for Congress*, Congressional Research Service Policy Alert. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Chron. File 1983-1986 (Miscellaneous Papers) Box 1.

<sup>913</sup> Joel Brinkley, 'U.S. to Avoid Clashes in Bolivia Raid', *New York Times*, 16<sup>th</sup> July 1986; George C. Wilson and Marty Thornton, 'Broader Military Role Is Considered for Raids on Drug Sources Abroad', *Washington Post*, 17<sup>th</sup> July 1986.

term fix only.<sup>914</sup> Initially at least, the operation was portrayed as a huge success, with Carlton Turner noting, “The mood in Bolivia, even among those opposed to U.S. troops and BLAST FURNACE [capitals in original text], has changed from one of quasi-support of narco-traffickers to public repudiation of narcotics and traffickers”.<sup>915</sup> However, media sources suggested that it was strongly resented by many locals in Bolivia who saw it as an attack on the peasants and, towards the end of the operation, 150 US military personnel and Bolivian police were attacked by local residents.<sup>916</sup> The unpopularity of Blast Furnace was such that one Bolivian newspaper published a headline stating “U.S. invades Bolivia”.<sup>917</sup>

A Congressional Review Service report on Operation Blast Furnace noted that similar short-term operations were less likely to succeed than longer term ones. However, the report also raised concerns about the impact that such operations might have on both other foreign policy objectives and military preparedness.<sup>918</sup> Regardless of the outcomes of Operation Blast Furnace, other states that were struggling with drug trafficking organisations saw it as a template for future military interventions and shortly after it was ended Colombia, Peru and the Bahamas all approached the US for help.<sup>919</sup> After Blast Furnace, using the military for counter-narcotics operations became commonplace across much of the world and should be seen as one example of the newly reoriented drug control *dispositif*.

## 2.2. Discursive and rhetorical strategies

In the subsidiary speech acts that accompanied NSDD-221, it is possible to see the discursive and rhetorical strategies used by the Reagan administration to link the international aspects of the drugs

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<sup>914</sup> Central Intelligence Agency (CIA), *Bolivia: the impact of Operation Blast Furnace*, (CIA: Washington DC, 3rd October 1986), [online], p. 1. Available from:

<[http://www.foia.cia.gov/sites/default/files/document\\_conversions/89801/DOC\\_0000395412.pdf](http://www.foia.cia.gov/sites/default/files/document_conversions/89801/DOC_0000395412.pdf) >

(accessed 16/07/14).

<sup>915</sup> Memo for John A. Svahn from Carlton Turner titled ‘Update of Blast Furnace’, 14th August 1986. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Chron File Aug 1986-Sept 1986, Box 2.

<sup>916</sup> Joel Brinkley, ‘Bolivian Town Resent Drug Glare’, *New York Times*, 24<sup>th</sup> July 1986.

<sup>917</sup> Bradley Graham, ‘Drugs Raids Raise Doubts in Bolivia’, *Washington Post*, 20<sup>th</sup> July 1986.

<sup>918</sup> Raphael Perl, *Narcotics Control and the US Military Personnel Operations in Bolivia and Issues for Congress*, Congressional Research Service Policy Alert. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Chron. File 1983-1986 (Miscellaneous Papers) Box 1.

<sup>919</sup> George C. Wilson and Marty Thornton, ‘Broader Military Role Is Considered for Raids on Drug Sources Abroad’, *Washington Post*, 17<sup>th</sup> July 1986; Gerald M. Boyd, ‘Drugs Talks Begun with Latin Lands’, *New York Times*, 25<sup>th</sup> September 1986.

trade to the security of the United States and the security of the American people (i.e. national and societal security). It is important to note that there were no references to the legitimate uses of drugs and therefore these speech acts were only concerned with illicit drug use. Furthermore, in line with the language from the amended Single Convention, the term 'drug abuse' should be seen in this context to mean all illicit drug use. There was no distinction made between dependent and recreational use.

In May 1986 President Reagan argued that before he came to power "our country was threatened by an epidemic of drug abuse that's been growing in intensity since the 1960's. By 1980 illegal drugs were every bit as much a threat to the United States as enemy planes and missiles".<sup>920</sup> This provided powerful imagery of a threat on two fronts, firstly, identifying drug use as an 'epidemic' raised fears of contagion, and secondly, by equating drug use with war, it conjured up fears of invasion. Later that year, in September 1986, in a speech made with Nancy Reagan from the White House, he linked the dangers of the drugs trade to the protection of the American way of life and the family, arguing that "Drugs are menacing our society. They're threatening our values and undercutting our institutions. They're killing our children."<sup>921</sup> In the same televised address, Nancy Reagan further emphasised the dangers to the family by saying

Today there's a drug and alcohol abuse epidemic in this country, and no one is safe from it - not you, not me, and certainly not our children, because this epidemic has their names written on it. Many of you may be thinking: 'Well, drugs do not concern me.' But it does concern you. It concerns us all because of the way it tears at our lives and because it's aimed at destroying the brightness and life of the sons and daughters of the United States.<sup>922</sup>

By continuously emphasising the damage being done to children and families as well as 'our country' and 'our society', the Reagans made a powerful plea to the American people to support the

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<sup>920</sup> Ronald Reagan, *Remarks on Signing the Just Say No to Drugs Week Proclamation*, 20<sup>th</sup> May 1986, Ronald Reagan Presidential Library and Museum [online]. Available from:

<<https://www.reaganlibrary.archives.gov/archives/speeches/1986/52086a.htm>> (accessed 25/03/15).

<sup>921</sup> Ronald Reagan, *Address to the Nation to Launch Campaign Against Drug Abuse*, 6<sup>th</sup> September 1986, Ronald Reagan Presidential Library and Museum [online]. Available from:

<<https://reaganlibrary.archives.gov/archives/speeches/1986/091486a.htm>> (accessed 25/03/15).

<sup>922</sup> Ronald Reagan and Nancy Reagan, *Address to the Nation to Launch Campaign Against Drug Abuse*, 14<sup>th</sup> September 1986, Ronald Reagan Presidential Library and Museum [online]. Available from:

<<https://reaganlibrary.archives.gov/archives/speeches/1986/091486a.htm>> (accessed 25/03/15).



securitization of drugs both domestically and internationally. Furthermore, they connected wider with Reagan's 'New Conservatism' and emphasis on 'family values' as will be discussed in more detail later in this chapter. These speech acts made the foreign threat explicit but also laid the blame on US citizens by calling "for Americans simply to quit using illegal drugs".<sup>923</sup> It also merged a number of existential threats and referent object(s) together so that it was less than clear whether it was drugs themselves, drug use/abuse, the drugs trade or those who participated in the drugs trade at home and abroad that were threatening US national and societal security. The themes of family, children and the epic struggles of the US against a wide range of evil enemies had been common in Reagan's speeches since he began his political career in California and are illustrative of the symbolic language and stories that he told in order to get his point across to the American public.<sup>924</sup> Some have argued that his voice and his ability to create an emotional connection with the audience were what made him such a "Great Communicator".<sup>925</sup> Reagan's use of these rhetorical strategies sought to establish drugs as a clear threat in the minds of the American people.

As well as creating a powerful referent object by linking the US state, society and the family together, Reagan laid the blame for these threats at the door of well-established external enemies. In March 1986 Reagan claimed that the Sandinista regime was involved in drug trafficking, and that he was sure that "every American parent concerned about the drug trade will be outraged"<sup>926</sup> by this fact. Vice President Bush also followed a similar path when he announced NSDD-221 by accusing Nicaragua and Cuba of being involved with drug trafficking.<sup>927</sup> This follows a long-established American tradition of pointing the finger of responsibility for the drug problem at foreigners and ethnic/racial groups as has been discussed in Chapters One and Three. Harry Anslinger had linked foreigners with drug trafficking in the 1940s, 50s and 60s when he accused first the Japanese, and then the Chinese and later the

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<sup>923</sup> Ronald Reagan and Nancy Reagan, *Address to the Nation to Launch Campaign Against Drug Abuse*, 14<sup>th</sup> September 1986, Ronald Reagan Presidential Library and Museum [online]. Available from: <<https://reaganlibrary.archives.gov/archives/speeches/1986/091486a.htm>> (accessed 25/03/15).

<sup>924</sup> Paul D. Erickson, *Reagan Speaks: The Making of an American Myth*, (New York: New York University Press, 1985), p. 27, pp. 53-55.

<sup>925</sup> Erickson, p. 14.

<sup>926</sup> Ronald Reagan, *Address to the Nation on the Situation in Nicaragua*, 16<sup>th</sup> March 1986, Ronald Reagan Presidential Library and Museum [online]. Available from: <<https://reaganlibrary.archives.gov/archives/speeches/1986/31686a.htm>> (accessed 25/03/15).

<sup>927</sup> Times Wire Services, 'Bush discloses Directive Tying Drugs to Terror', *Los Angeles Times*, 8<sup>th</sup> June 1986 [online]. Available from: <[http://articles.latimes.com/1986-06-08/news/mn-9648\\_1\\_drug-traffic](http://articles.latimes.com/1986-06-08/news/mn-9648_1_drug-traffic)> (accessed 26/10/15).

Soviets of trying to smuggle drugs into the US.<sup>928</sup> Nixon targeted ethnic groups and those living alternative life styles. As a member of Nixon's administration recently noted:

We knew we could not make it illegal to be either against the [Vietnam] war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities.<sup>929</sup>

The Nixon Tapes reinforce the idea that members of the administration - and Nixon especially - commonly associated illicit drug use with racial, social and political groups.<sup>930</sup> By the time Reagan came to power, the association between drugs and race had become so inextricably entwined that, although his language was "race neutral", it made "implicit racial appeals" against people of colour.<sup>931</sup> Reagan, it would seem, was replicating pre-existing narratives in order to strengthen his claims that external forces were to blame. The Reagan administration also had another, more recent, discursive construct to fall back on: that of Nixon's 'war on drugs'. Nixon announced that "drug abuse" was "public enemy number one" in June 1971<sup>932</sup> - even if that was largely a rhetorical 'war on drugs'

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<sup>928</sup> Jonathan Marshall, 'Cooking the Books: The Federal Bureau of Narcotics, the China Lobby and Cold War Propaganda, 1950-1962', *The Asia-Pacific Journal*, Vol. 11, Issue 37: 1, September 2013, p. 3; Bewley-Taylor, *The United States and International Drug Control*, p. 45; Marshall McNeill, 'U.S. Seeks to Block Reds on Opium Plan', *Washington Post*, 1962. US National Archives (Washington D.C.) SFO-T.5 (Senate Committee of Foreign Relations, 90th Congress), Box labelled 'Single Convention'.

<sup>929</sup> Quote from a recent interview with John Ehrlichman. See, Dan Baum, 'Legalize It All: How to Win the War on Drugs', *Harpers' Magazine*, April 2016 [online]. Available from: <http://harpers.org/archive/2016/04/legalize-it-all/> > (accessed 08/08/17).

<sup>930</sup> In one of the tapes Nixon claims that "the Communists and the left wingers" are "pushing" drugs in order to "destroy us". In the same conversation Nixon claims that "the Jews" are behind the calls for legalisation of cannabis. See, Nixon Tapes, *Conversation 498-5*, between Richard Nixon, John Ehrlichman and Bob Haldeman recorded at the Oval Office (10:30am and 12:30pm) on 13th May 13, 1971 [online]. Available from: Common Sense for Drug Policy (CSDP), <<http://www.csdp.org/research/nixonpot.txt>> (accessed 29/11/17).

<sup>931</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, revised edition, (New York: New Press, 2012), p. 48.

<sup>932</sup> Richard Nixon, 'Remarks About an Intensified Program for Drug Abuse Prevention and Control', 17th June 1971, *The American Presidency Project*, Gerhard Peters and John T. Woolley [online]. Available from: <<http://www.presidency.ucsb.edu/ws/?pid=3047>> (accessed 25/03/13).

because the vast percentage of federal money spent was on drug treatment and education<sup>933</sup> - and the idea of a 'war on drugs' had become commonplace since then.

Whilst Reagan used his speeches, and NSDD-221 itself, to highlight the roles played in the illicit drug trade by those already portrayed as the 'enemy' or 'other', he downplayed, or ignored, the participation by American allies in the Cold War, such as Panamanian President General Noriega (who was seen, at that point at least, as an ally to the US), despite evidence of complicity in drug smuggling being widely discussed at the time. As Charles B. Rangel (chairman of the Select Committee on Narcotics Abuse and Control) noted in 1988:

Less than two years ago, the New York Times detailed extensive allegations that General Noriega was deeply involved in drug trafficking to the United States and other illegal activities. At that time, State, DEA and Customs representatives testified before the Select Committee that there was no evidence substantiating Noriega's involvement.<sup>934</sup>

Reagan also compared the Contras with the US 'Founding Fathers' despite rumours of their involvement in drug trafficking.<sup>935</sup> In a 1985 speech he argued that

I've spoken recently of the freedom fighters of Nicaragua. They are the moral equal of our Founding Fathers and the brave men and women of the French Resistance. We cannot turn away from them, for the struggle here is not right versus left; it is right versus wrong.<sup>936</sup>

The 'Founding Fathers' and their descendants were often portrayed as semi-divine figures who were used as common rhetorical devices in US presidential discourse to communicate with, and connect to,

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<sup>933</sup> Baum, *Smoke and Mirrors*, p. 79.

<sup>934</sup> A statement by Rangel to hearings on US Foreign Policy and International Narcotics Control, dated 29<sup>th</sup> March 1988, he notes that Noriega has now been indicted by Federal Grand Jury in Florida. Ronald Reagan Presidential Library Collections, 'Counterterrorism and Narcotics, NSC, Office of', Box 92181.

<sup>935</sup> Chester Pach, 'The Reagan Doctrine: Principle, Pragmatism and Policy', *Presidential Studies Quarterly*, Vol. 36; 1<sup>st</sup>, March 2006, pp. 83-84; Gerald M. Boyd, 'Reagan Terms Nicaraguan Rebels 'Moral Equal of Founding Fathers'', *New York Times*, 1<sup>st</sup> March 1985 [online]. Available from: <http://www.nytimes.com/1985/03/02/politics/02REAG.html> > (accessed 23/06/16).

<sup>936</sup> Ronald Reagan, *Remarks at the Annual Dinner of the Conservative Political Action Conference*, Ronald Reagan Presidential Library and Museum [online], 1<sup>st</sup> March 1985. Available from: <https://www.reaganlibrary.archives.gov/archives/speeches/1985/30185f.htm> > (accessed 25/03/15).

the general public.<sup>937</sup> As Paul Erickson notes, “this fictive deification has a constant subliminal effect on how we perceive the nation and its presidency.”<sup>938</sup> By relating the Contras to the ‘Founding Fathers’, Reagan was attempting to legitimise both their struggle and US support for them. George Shultz, in a 1984 speech about drugs, also referred to the “Founding Fathers”.<sup>939</sup> He argued that “the Founders also believed that upholding this morality was not primarily the role of government but of our educational, religious, and social institutions, our families and communities”.<sup>940</sup> He then noted that recently, “Parents, community organizations, educational and religious institutions are heeding President Reagan's call ‘to join the battle against drug abuse’”,<sup>941</sup> reinforcing the role of civil society in protecting the nation against the ‘drugs threat’. Reagan and other members of his administration used narratives that were already in existence in order to create powerful referent object(s) and aggressive existential threats in order to convince Congress, the media, the general public, and also other states, that it was necessary to act immediately to mitigate such threats.

### **2.3. Practices that contributed to the securitization of drugs**

Security practices, as well as speech acts, can play a significant role in the securitization process.<sup>942</sup> The Reagan administration developed a wide range of security practices, from military operations to tightening up federal drug laws and changing treatment funding priorities, that all contributed to the securitization process. This section analyses the key practices that in various ways shaped the securitization process.

#### **2.3.1. The Posse Comitatus Act**

The Posse Comitatus Act of 1878 was drawn to prevent abuses of power by the military and create a separation between domestic law enforcement and the protection of national security.<sup>943</sup> It expressly

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<sup>937</sup> Erickson, pp. 4-5.

<sup>938</sup> Erickson, pp. 2-3.

<sup>939</sup> George Shultz, ‘The Campaign Against Drugs: The International Dimension’, *Department of State Bulletin*, November 1984 [online]. Available from:  
<https://babel.hathitrust.org/cgi/pt?q1=lingering;id=umn.31951d008228057;view=1up;seq=1;start=1;sz=10;page=search> (accessed 21/03/15).

<sup>940</sup> Shultz, ‘The Campaign Against Drugs’ [online].

<sup>941</sup> Shultz, ‘The Campaign Against Drugs’ [online].

<sup>942</sup> For example, Bigo, ‘Security and Immigration’, pp. 63–92; Huysmans, *The Politics of Insecurity*, p. 8; Balzacq et al., pp. 11-14.

<sup>943</sup> Doyle and Elsea, p. 1.

forbade all branches of the military, apart from the Coast Guards and National Guard, from participating in civil law enforcement unless specifically directed by the president.<sup>944</sup> In a 1981 speech to the International Association of Chiefs of Police (IACP), Reagan announced that he would “support an exception to the Posse Comitatus Act which will allow the military to assist in identifying and thwarting drug traffickers”.<sup>945</sup> The PCA was amended by Congress in the Defense Authorization Act of 1982.<sup>946</sup> Although the Reagan administration amended the PCA early on in the presidency, the military only had a very limited role in counter-narcotics operations overseas before 1986: this was largely limited to loaning equipment.<sup>947</sup>

The amendment of the PCA was the start of the militarisation of US drug control, but initially it only allowed for ‘passive’ participation. This changed after NSDD-221 legislated for the military to become ‘actively’ involved.<sup>948</sup> The ‘passive’ participation of the military had caused financial issues for the Coast Guards and US Customs, and potentially undermined the effectiveness of the policy, because they had to pay the costs of using the military equipment.<sup>949</sup> After NSDD-221 allowed for ‘active’ participation of the military, the costs and responsibilities became shared between the agencies.<sup>950</sup> As will be analysed in more detail later in this chapter, during the PCA amendment process members of Congress called for the military to be given powers of arrest. The first time this was proposed Reagan and his aides supported Weinberger and the Pentagon’s objections, although they recognised that

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<sup>944</sup> Doyle and Elsea, p. 1.

<sup>945</sup> Ronald Reagan, *Remarks at the Annual Meeting of the International Association of Chiefs of Police*, New Orleans, 28<sup>th</sup> September 1981, Ronald Reagan Presidential Library and Museum [online]. Available from: <<https://reaganlibrary.archives.gov/archives/speeches/1981/92881a.htm>> (accessed 25/03/15).

<sup>946</sup> Marcy, p. 89; Lynne Wilson, ‘The Law of Posse Comitatus: Police and military powers once statutorily divided are swiftly merging’, *CovertAction Quarterly Magazine*, Fall, 2002 [online]. Available from: <[http://www.thirdworldtraveler.com/Civil\\_Liberties/Posse\\_Comitatus\\_Law.html](http://www.thirdworldtraveler.com/Civil_Liberties/Posse_Comitatus_Law.html)> (accessed 15/06/15).

<sup>947</sup> Doyle and Elsea, p. 41.

<sup>948</sup> William O. Walker III, ‘The Foreign Narcotics Policy of the United States since 1980: An End to the War on Drugs?’, *International Journal*, Narco-Diplomacy, Vol. 49: 1, (Winter, 1993/1994), p. 39.

<sup>949</sup> Memo to Martin Anderson from Carlton Turner dated 17<sup>th</sup> December 1981, Subject ‘Briefing projects for the President and Edwin Meese [Attorney General] – Monday Briefings’, notes that “The President should be made aware of the potential problems of funding limitations [sic]. If the military insists on total reimbursement from civilian law enforcement agencies for the use of their facilities, the effectiveness of the Posse Comitatus exception will be cancelled.” Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Drug Policy Documents (1 of 8), Box 23.

<sup>950</sup> William Safire, ‘Thataway Posse Comitatus’, *New York Times*, 28<sup>th</sup> February 1986.

they might need to review this stance at a later date.<sup>951</sup> When Congress suggested giving the military these powers again in 1985 and 1988, the Reagan administration continued to block the proposals. However, by 1989 when the new President George H.W. Bush sent the marines into Panama to arrest General Noriega for drug trafficking offences, it was concluded that PCA only applied in domestic territories rather than overseas.<sup>952</sup> The amendment of the PCA should be seen as the first concrete step in the process of securitizing drugs under Reagan.

### 2.3.2. Legal reforms

During the Reagan administration, a number of law reforms were carried out that dramatically tightened up domestic drug law enforcement. In 1984 the Sentencing Reform Act eliminated parole for most federal prisoners.<sup>953</sup> Also in the same year the Comprehensive Crime Control Act enshrined 'civil forfeiture' into law. This act allowed assets to be confiscated even before charges had been brought; it also allowed for enforcement agencies, both federal and local, to share the proceeds of such raids.<sup>954</sup> The Anti-Drug Abuse Act of 1986 introduced mandatory minimum sentences for drug offences<sup>955</sup> and disproportionately longer sentences for crack, which was largely associated with African-Americans.<sup>956</sup> In 1988 the act was amended to introduce the death penalty for 'drug king pins'.<sup>957</sup> These changes in sentencing caused the prison population to almost double under Reagan from 369,930 in 1981 to 627,402 in 1988.<sup>958</sup> Drug arrests also rose from 569,000 in 1977 during the Carter administration to 1,155,000 in 1988 under Reagan.<sup>959</sup> The emphasis on criminalisation had hugely negative impacts on society, breaking families apart, exacerbating joblessness and limiting

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<sup>951</sup> Memo from the Office of Policy Development (Carlton Turner and Mike Uhlmann) to Edwin Meese, White House Counsellor, with regards to a meeting with Florida Representative Clay Shaw about the amendment to the Posse Comitatus Act, 19<sup>th</sup> October 1981. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Drug Policy Documents (1 of 8), Box 23.

<sup>952</sup> Peter M. Sanchez, 'The "Drug War": The U.S. Military and National Security', *The Air Force Law Review*, Vol. 34, 1991, p. 135.

<sup>953</sup> Baum, *Smoke and Mirrors*, p. 245.

<sup>954</sup> Christian Parenti, *Lockdown America: Police and Prisons in the Age of Crisis*, (London: Verso, 2000), p. 50.

<sup>955</sup> Parenti, p. 57.

<sup>956</sup> Alexander, p. 53.

<sup>957</sup> Parenti, p. 61.

<sup>958</sup> Alfred W. McCoy, *The Politics of Heroin: CIA Complicity in the Global Drug Trade: Afghanistan, Southeast Asia, Central America and Colombia*, (Chicago: Lawrence Hills Books, 2003), p. 445.

<sup>959</sup> McCoy, p. 444.

educational prospects, as well as amplifying racial divisions.<sup>960</sup> In 1986 Reagan also signed Executive Order 12564 that instituted random drug testing for Federal employees.<sup>961</sup> These policies were criticised by some sections of the media on the grounds that they undermined civil liberties.<sup>962</sup> Despite these criticisms, they were hardly challenged by the public and contributed to a hardening of attitudes against drug users and drug dealers, thereby supporting the securitization process.

### 2.3.3. The decline in federal drug treatment programmes

At the same time as increasing criminal penalties for drug users and dealers, the Reagan administration also reduced their financial commitment to drug treatment and education. Under Richard Nixon, despite his harsh drug war rhetoric, the vast majority of his federal drug budget was spent on treatment and education, which included prescribing methadone to dependent users.<sup>963</sup> The emphasis at this time was on ‘managing’ addiction and substance maintenance rather than overwhelmingly on criminalisation. This changed markedly under the Reagan administration as the focus shifted to an emphasis on abstinence rather than maintenance, and the federal drug treatment funding system was wound down with whatever money was left being handed back to states to spend as they thought necessary.<sup>964</sup> This shift towards abstinence rather than maintenance reflected the Reagan administration’s desire to return to ‘family values’ of the past. Also under Reagan, needle exchanges programmes and other harm reduction methods were blocked at the federal level which exacerbated the growing HIV/AIDS crisis.<sup>965</sup> Despite the discursive emphasis on demand-control and

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<sup>960</sup> Alexander, p. 2.

<sup>961</sup> Baum, *Smoke and Mirrors*, p. 234.

<sup>962</sup> A New York Times article titled ‘Reagan Proposes Stiffer Drug Laws’, 15<sup>th</sup> Sept 1986, noted that drug testing could be a violation of citizens’ rights.

<sup>963</sup> Comparison of federal drug budgets from the Nixon to Reagan years shows that the Nixon administration spent 69% on demand-control and 31% on supply-control; by the end of Reagan’s presidency the balance had reversed to 69% of the budget being spent on supply-control and 31% being spent on demand-control. See, Michael F. Walther, *Insanity: Four Decades of U.S. Counterdrug strategy*, (Carlisle, PA.: Strategic Studies Institute, US Army War College, December 2012), [online]. Available from: <https://ssi.armywarcollege.edu/pdf/files/PUB1143.pdf> > (accessed 12/08/14); Baum, *Smoke and Mirrors*, p. 79; Courtwright, p. 200.

<sup>964</sup> Baum, *Smoke and Mirrors*, pp. 144-145.

<sup>965</sup> Tony Newman, ‘Nancy Reagan’s Role in the Disastrous War on Drugs’, *Huffington Post*, 7th March 2016 [online]. Available from: <[https://www.huffingtonpost.com/tony-newman/nancy-reagan-war-on-drugs\\_b\\_9400628.html](https://www.huffingtonpost.com/tony-newman/nancy-reagan-war-on-drugs_b_9400628.html)> (accessed 25/08/17).

education, the 1986 Anti-Drug Abuse Act only allocated 12% of the total funds to drug education, something that was criticised at the time.<sup>966</sup> The President's Commission on Organized Crime noted that from 1981 to 1986 when the report was published, funding for demand-control programmes including drug education had been cut drastically.<sup>967</sup> The reduction of federal funding for drug treatment and education, and the reliance on the 'Just Say No' narrative, made it harder for problematic users to get help and further hardened the views of non-drug using Americans against those that did take drugs, therefore reinforcing the 'othering' of illicit drug users.

#### 2.3.4. 'Certification'

The practice of 'certification' was another crucial element of the securitization process. It allowed the US to put pressure on drug producer and transit countries to commit their, often limited, resources to counter-narcotics programmes that the US found acceptable.<sup>968</sup> This policy was one outcome of NSDD-221<sup>969</sup> which stated that, "the Secretary of State and Administrator of AID should ensure that narcotics control objectives are fully integrated into foreign assistance planning efforts".<sup>970</sup> The policy was signed into law through an amendment of the Foreign Assistance Act in 1986.<sup>971</sup> It stipulated that each year the president must determine whether drug producer or drug transit country<sup>972</sup> should be 'certified' as being fully committed to US counter-narcotics policies.<sup>973</sup> If any country was identified as not doing enough to eliminate drug production and trafficking it could be 'decertified', meaning that any promised US aid would be cut by 50%; if a country was 'decertified' for a second year in a row, they would receive no funding from the US in that year.<sup>974</sup> The US could also actively oppose

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<sup>966</sup> Joel Brinkley 'Anti-Drug Law: Words, Deeds, Political Expediency', *New York Times*, 26<sup>th</sup> Oct 1986.

<sup>967</sup> Joel Brinkley, 'Radical Therapy for the Drug Problem', *New York Times*, 9<sup>th</sup> March 1986.

<sup>968</sup> Julie Ayling, 'Conscription in the War on Drugs: Recent reforms to the U.S. drug certification process', *International Journal of Drug Policy*, Vol. 16, 2005, p. 377.

<sup>969</sup> Edward I. Koch, 'An Arsenal for the Federal War on Drugs', *New York Times*, 18<sup>th</sup> July 1986.

<sup>970</sup> The White House, *National Security Decision Directive 221*, p. 3.

<sup>971</sup> Committee on International Relations, *Legislation on Foreign Relations Through 2002*, pp. 189-194.

<sup>972</sup> The term 'drug producer' nation refers to any country where illicit drugs are produced; a 'drug transit' nation is one that sees large volumes of illicit drugs passing through its territories.

<sup>973</sup> K. Larry Storrs, *Drug Certification/Designation Procedures for Illicit Narcotics Producing and Transit Countries*, Congressional Research Service (CRS) Report for Congress, updated 22<sup>nd</sup> September 2003 [online]. Available from: < <http://fas.org/irp/crs/RL32038.pdf> > (accessed 16/06/16).

<sup>974</sup> Storrs, [online].



applications for multilateral loans made by the country<sup>975</sup> and could end security assistance.<sup>976</sup> However, the president could ‘certify’ a country even if it was not considered to have met the US objectives, if he considered it was important to US national interests – this was known as the ‘national interest waiver’.<sup>977</sup> This illustrates how drug control was often subordinate to other national security interests, but could also be used as a way to reward or punish other states.

The ‘national interest waiver’ created a situation whereby the president could ‘certify’ or ‘decertify’ countries more according to their strategic importance than commitment to US drug policies.<sup>978</sup> This antagonised states that were regularly ‘decertified’.<sup>979</sup> ‘Certification’ strengthened the links between US national security and US-influenced international counter-narcotics control policies and allowed the US to play the role of ‘global drug law enforcer’.<sup>980</sup> After the 1988 UN Convention Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances was ratified, a clause was added into the Foreign Assistance Act stating that countries must meet “the goals and objectives” of the 1988 UN Convention.<sup>981</sup> This further strengthened the international legitimacy of the US policy of ‘certification’ by tying it closely to the UN drug conventions and therefore it became a key element that reinforced the prohibitionist aspects of the drug control *dispositif*.

### 3. The agents: actor(s) and audiences

There are a wide range of ‘agents’ that play a part in the securitization process. These include actors that actively support the securitizing moves, those that oppose or restrict the designation of security or the policies proposed to mitigate the threat, and the ‘audiences’ that contribute to the acceptance of the securitizing move.<sup>982</sup> As discussed in Chapter Two, these roles often become blurred and groups can move from being an ‘actor’ to an ‘audience’, or be both ‘actor’ and ‘audience’ at the same time. Furthermore, in the cases of the general public and the Reagan administration, they were both

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<sup>975</sup> Ayling, p. 377.

<sup>976</sup> Ayling, p. 378.

<sup>977</sup> Ayling, p. 377.

<sup>978</sup> Hesselroth, [online].

<sup>979</sup> Heather A. Golding, *U.S. Drug Certification and the Search for a Multilateral Alternative*, Woodrow Wilson Centre, July 2001, p. 2.

<sup>980</sup> Andreas and Nadelmann, p. 38, p. 43.

<sup>981</sup> Michael Woodiwiss and David Bewley-Taylor, *The Global Fix: The Construction of a Global Enforcement Regime*, Transnational Institute (TNI) Briefing Series No. 2005/3, (Amsterdam: TNI, October 2005), p. 20.

<sup>982</sup> Balzacq, ‘A Theory of Securitization’, p. 35.

securitizing agent and part of the referent object (US society and the state respectively) at the same time.

### **3.1. Those who supported the designation of 'security'**

As with most securitizing moves, there were a number of actors who played various roles in the securitizing process at different times. As with the case study analysed in Chapter Four (the Single Convention), sometimes the securitizing actor(s) had shared goals, and at other times, they were quite divided. This is especially true with securitizing moves issuing from the US state because of the way it is structured with three distinct branches of government: the executive branch, the legislature and the judiciary. However, in the case of NSDD-221, the designation of drug trafficking as a threat to national security was accepted by the Congress, the intelligence agencies and the military even though some of the policies proposed to counteract the threat were contested. For example, there was a deep division between Congress, on the one hand, and Pentagon and Secretary of Defense, on the other, about how much of a role the military should have in drug law enforcement. The military chiefs were reticent to allow their soldiers to have power of seizure and arrest because they did not want them to be seen brandishing handcuffs.<sup>983</sup> Members of Congress proposed giving the military just such powers in 1981, 1985 and 1988 but each time they were unsuccessful. The president and his aides supported the Pentagon point of view and noted that "the military commanders... [fear there could be a] risk to the integrity of the military chain of command."<sup>984</sup> The intelligence community, in contrast, was eager to recognise the utility of the 'drugs as an existential threat' discourse. Indeed, the Reagan administration noted that "the Intelligence Community drafted an important new NIE [National Intelligence Estimate] on the implications of the drug trade for U.S. security. [It] provided the basis for describing the threat in the NSDD."<sup>985</sup> The CIA's NIE stated that "we recognize that

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<sup>983</sup> Caspar Weinberger in 'New Police Powers Weighed for Military', *Washington Post*, 25<sup>th</sup> June 1985 [online]. Available from: < <https://www.washingtonpost.com/archive/politics/1985/06/25/new-police-powers-for-military-weighed/51015460-3a3f-4e41-aa06-6ffcbbba16bf9/> > (accessed 12/06/16).

<sup>984</sup> Memo from the Office of Policy Development (Carlton Turner and Mike Uhlmann) to Edwin Meese, White House Counsellor, with regards to a meeting with Florida Representative Clay Shaw about the proposed amendment to the Posse Comitatus Act, 19<sup>th</sup> October 1981. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Drug Policy Documents (1 of 8), Box 23.

<sup>985</sup> Document found in the Reagan archives titled 'Talking Points'. Though the document is not dated and there is no clear identity of the speaker, it can be assumed that this speech was given in early 1986 because it refers to the latest draft of NSDD-221 that had been distributed to various agencies for comment and asks for further comments by mid-February 1986. It is likely that the speaker was a member of the NSC staff and

important dimensions of US security are threatened by the effects of drug trafficking... [and] this Estimate does underscore the manner and degree to which drug trafficking can undermine countries important to the United States..."<sup>986</sup>

### 3.1.1. The Reagan administration

Whilst there were often tensions between the legislature and the executive branch, it should be noted that the executive branch itself was not a monolith either. It was made up of various competing groups including the president and his closest officials as well as bureaucratic actors, such as members of the executive branch and other interest groups,<sup>987</sup> and played various roles in the securitizing process, whether in support or opposition. It is usual for US presidents to rely on a number of simultaneous networks to advise them, especially when it comes to making national security decisions. These structures include formal ones such as inter-agency networks, informal networks, such as important advisors meeting outside of the inter-agency process, and a "confidence structure" of one or two favoured advisors.<sup>988</sup> Reagan's informal network included the Vice President, Secretary of Defense, Director of the CIA, his National Security Advisor (NSA) and a few others.<sup>989</sup> The National Security Council (NSC) is very much a creature of the president and NSA is one of the few key members of president's administrative team that does not have to be approved by Congress.<sup>990</sup> However, during the Reagan administration, the role of NSA was not a stable one and Reagan had six NSA's: Richard Allen (1981-1982), William Clark (1982-1983), Robert McFarlane (1983-1985), John Poindexter (1985-1986), Frank Carlucci (1986-1987), Colin Powell (1987-1989). This was more than any other US

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the audience was senior members the various agencies involved in commenting on the draft. 'Talking Points' Ronald Reagan Presidential Library Collections, 'Counterterrorism and Narcotics, Office of NSC', Richard Porter, NSC Staff, NSDD-221 and Draft Directives', Box 92258.

<sup>986</sup> CIA, *The International Narcotics Trade*, NIE 1/8-85, November 1985.

<sup>987</sup> James M. Scott, 'Interbranch Rivalry and the Reagan Doctrine in Nicaragua', *Political Science Quarterly*, Vol.112: 2, summer, 1997, p. 238.

<sup>988</sup> William W. Newmann, 'The Structure of National Security Decision Making: Leadership, Institutions, and Politics in the Carter, Reagan and G.H.W. Bush Years', *Presidential Studies Quarterly*, Vol. 34: 2, June 2004, pp. 273.

<sup>989</sup> Newmann, p. 284.

<sup>990</sup> Mervin, p. 21.

president.<sup>991</sup> The administration was also hampered to some extent by tensions within the administration.<sup>992</sup> Reagan's first Secretary of State Alexander Haig resigned because of these tensions,<sup>993</sup> as did NSA Robert Macfarlane.<sup>994</sup> George Shultz, who took over from Haig, and Caspar Weinberger, the Secretary of Defense, had a strong personal antipathy towards one another which at times hindered the smooth running of the administration.<sup>995</sup>

The idea of involving the military in drug law enforcement overseas was an ongoing theme from early on in the Reagan administration. In a wide-ranging speech about rising crime levels to the International Association of Chiefs of Police (IACP) conference in 1981, Reagan announced that he intended to amend the Posse Comitatus Act (PCA) in order to allow the military to participate in counter-narcotics programmes.<sup>996</sup> Also in this speech he noted that he had been concerned about drugs and crime for a long time, claiming that in a 1967 speech in Las Vegas

I noted the fear and the anger of the citizenry as they locked themselves in their homes or refused to walk the streets at night. I spoke, too, about a phenomenon known as the 'youthful offender', the astonishing percentage of crimes that they were estimated to be responsible for. Then there was a speech in Dallas [in 1974] where I mentioned the effect of narcotics on the crime rate and the appalling estimates that drug addicts were responsible for the economic increase of certain crimes<sup>997</sup>

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<sup>991</sup> Eisenhower had five NSA's, John F Kennedy had one, Lyndon B Johnson had two, Richard Nixon had one, Gerald Ford had two, Jimmy Carter had one, George H.W. Bush had one, Bill Clinton had one, George W. Bush had two and Barack Obama had three NSA's.

<sup>992</sup> Newmann, p. 278.

<sup>993</sup> Stephen Miller, 'Former Secretary of State Alexander Haig Dies at 85', *Wall Street Journal*, 21st February 2010 [online]. Available from: <<http://www.wsj.com/articles/SB10001424052748703787304575076153626209606>> (accessed 14/06/16).

<sup>994</sup> Newmann, p. 298.

<sup>995</sup> Philip Taubman, 'The Shultz-Weinberger Feud', *New York Times Magazine*, 14th April 1985 [online]. Available from: <<http://www.nytimes.com/1985/04/14/magazine/the-shultz-weinberger-feud.html?pagewanted=all>> (accessed 04/12/15).

<sup>996</sup> Galen Carpenter, p. 19; Baum, *Smoke and Mirrors*, pp. 149-150.

<sup>997</sup> Ronald Reagan, *Remarks at the Annual Meeting of the International Association of Chiefs of Police*, New Orleans, 28th September 1981, Ronald Reagan Presidential Library and Museum [online]. Available from: <<https://reaganlibrary.archives.gov/archives/speeches/1981/92881a.htm>> (accessed 25/03/15).

It was agreed in 1981 that the PCA would be amended,<sup>998</sup> but this was only the beginning of the debates about whether the military should play an 'active' or 'passive' role in overseas counter-narcotics programmes between the Reagan administration and Congress. Even after NSDD-221 was signed, expanding the role of the military in drug law enforcement from 'passive' to 'active' participant was contentious, and Weinberger spoke out against an expanded role for the military, as will be discussed further below.

As Vice President, George H. W. Bush would have been expected to support the president's proposals for increasing the military's role in counter-narcotics, but on this topic, Bush seemed to take a particular interest. Before becoming Reagan's Vice President, Bush had been a House Representative for Texas from 1966-1970, where he and his family based themselves; he was US Ambassador to the UN from 1971-1973 and he also spent a year as Director of the CIA from 1976-1977. It is possible that his time at the UN under Nixon, when the amendment to the UN Single Convention was drafted,<sup>999</sup> and his experience at the CIA played a role in shaping his concern about drug trafficking.<sup>1000</sup> It is also likely that his relationship with Texas - a border state that experienced increasing levels of drug trafficking and related violence<sup>1001</sup> - influenced his awareness of the international dimensions of the 'drug problem'. Certainly, Bush had responsibility for the South Florida Task Force and National Narcotics Border Interdiction System (NNBIS), both of which involved strengthening border controls and interdiction systems as well as providing military support for the Coast Guards and Border Guards to prevent drugs getting into the US. When Caspar Weinberger expressed doubts about NSDD-221, it was Bush who apparently intervened to persuade Weinberger to support it<sup>1002</sup> and it was even

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<sup>998</sup> Andrew B. Whitford and Jeff Yates, *Presidential Rhetoric and the Public Agenda: Constructing the War on Drugs*, (Baltimore: John Hopkins University Press, 2009), p. 57.

<sup>999</sup> Although Bush did not play a significant role in the plenipotentiary conference, it is recorded that, "In his letter to the Secretary-General, the United States Ambassador to the United Nations, Mr. Bush, had said that the United States believed its proposals would significantly strengthen the international community's ability to restrict narcotics uses exclusively to medical and scientific purposes." United Nations, *Official Records, Volume I: The United Nations Conference to Consider Amendments to the Single Convention on Narcotic Drugs, 1961, Geneva 6th-24th March 1972*, E/CONF.63/10, (United Nations: New York, 1974), pg. 7.

<sup>1000</sup> Valentine, p. 197, p. 291.

<sup>1001</sup> Bruce Michael Bagley, 'The New Hundred Years War? US National Security and the War on Drugs in Latin America', *Journal of Interamerican Studies and World Affairs*, Vol. 30; 1, Spring, 1988, p. 166.

<sup>1002</sup> Marcy, p. 90.

reported in the media that Bush had instigated NSDD-221.<sup>1003</sup> Furthermore, Bush was given the task of publicly announcing NSDD-221 in June 1986,<sup>1004</sup> which also suggests that this topic was one that he wanted to be associated with.

Another member of the Reagan administration who played a key role in the securitization process was Carlton Turner, who became Reagan's 'drug czar'. The role of 'drug czar' was a hugely important one and they had a vast amount of influence in shaping the direction of drug policy. Harry Anslinger, the Federal Bureau of Narcotics (FBN) director, is often considered the first US 'drug czar'.<sup>1005</sup> Turner was a pharmacologist whose work focussed on cannabis, but he had no experience of drug treatment programmes, working with drug users or policy development, unlike previous 'drug czars' such as Robert DuPont and Jerome Jaffe, who both held the role under Nixon and Peter Bourne who was Carter's 'drug czar'.<sup>1006</sup> Turner refused to accept the 'drug addiction as a disease' discourse that previous 'drug czars' had promoted and did not support treatment programmes including methadone because he believed the aim should be for a 'drug free America'.<sup>1007</sup> He worked closely with both Ronald and Nancy Reagan to shape the 'drugs as a threat' discourse throughout his time at the White House.<sup>1008</sup> Turner's papers in the Reagan archives form a large part of the archival research in this chapter.

As mentioned above, US presidents have external groups that they can rely on and direct to consider various issues. One such body was the President's Commission on Organized Crime that Reagan established in 1983 in order to look into the growth of organised criminal groups in the US. Included in the mandate was analysis of how the drug trade intersected with organised crime. When the

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<sup>1003</sup> George C. Wilson and Marty Thornton, 'Broader Military Role Is Considered for Raids on Drug Sources Abroad', *Washington Post*, 17<sup>th</sup> July 1986.

<sup>1004</sup> Times Wire Services, 'Bush discloses Directive Tying Drugs to Terror', *Los Angeles Times*, 8<sup>th</sup> June 1986 [online]. Available from: <[http://articles.latimes.com/1986-06-08/news/mn-9648\\_1\\_drug-traffic](http://articles.latimes.com/1986-06-08/news/mn-9648_1_drug-traffic)> (accessed 26/10/15).

<sup>1005</sup> Clayton Mosher, 'Anslinger, Harry', in *Encyclopedia of Drug Policy, Volume 1*, ed. by Mark A. R. Kleiman and James E. Hawdon, (Los Angeles: Sage Publications, 2011), p. 26.

<sup>1006</sup> Jerome Jaffe had been director of the Illinois methadone programme and Robert DuPont was a psychiatrist who established the Washington D.C. narcotics treatment programme, Peter Bourne was also a psychiatrist. These three 'drug czars' had a wide range of experience working with dependent drug users. See, Baum, *Smoke and Mirrors*, pp. xi-xii.

<sup>1007</sup> Baum, *Smoke and Mirrors*, p. 152.

<sup>1008</sup> Baum, *Smoke and Mirrors*, pp. 146-147.

Commission released its report in March 1986, it stated that “Beyond threats to friendly democracies, international drug traffickers should be considered a threat to our national security because they comprise a direct attack on the physical and social well-being of our country.”<sup>1009</sup> As with NSDD-221 and Ronald and Nancy Reagans’ speeches, this report links the external and internal threats together so that they are seen as two sides of the same coin. However, this commission also argued that enforcement was not the only solution and that more emphasis needed to be put into education.<sup>1010</sup>

### 3.1.2. Nancy Reagan

From the early years of Reagan’s presidency, First Lady Nancy Reagan took a keen interest in reducing drug use domestically. In 1982 the Reagans made a joint radio address to the nation about the dangers of drugs<sup>1011</sup> and Nancy coined the phrase ‘Just Say No’ in response to a school child’s question about what to do if offered drugs.<sup>1012</sup> However, Nancy had reportedly been concerned about drugs since bringing up her children in California in the 1960s.<sup>1013</sup> The ‘Just Say No’ campaign became hugely popular in the US,<sup>1014</sup> and was exported to the UK as well.<sup>1015</sup> This campaign should be seen as part of

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<sup>1009</sup> President’s Commission on Organized Crime, *America’s Drug Habit: Drug Abuse, Drug Trafficking and Organized Crime*, (Washington D.C.: President’s Commission on Organized Crime, March 1986), p. 385. Available from: <<https://babel.hathitrust.org/cgi/pt?id=uiug.30112104104994;view=1up;seq=3>> (accessed 05/07/16).

<sup>1010</sup> Joel Brinkley, ‘Fighting Narcotics is Everyone’s Issue Now’, *New York Times*, 10<sup>th</sup> August 1986.

<sup>1011</sup> Bernard Weinraub, ‘First Lady Asked for Talk on Drugs’, *New York Times*, 13<sup>th</sup> September 1986; Gerald M. Boyd, ‘Reagans Advocate ‘Crusade’ on Drugs’, *New York Times*, 14<sup>th</sup> September 1986.

<sup>1012</sup> ---, *Nancy Reagan – her causes*, Ronald Reagan Presidential Foundation and Institute, 2017 [online]. Available from: <<https://www.reaganfoundation.org/ronald-reagan/nancy-reagan/her-causes/>> (accessed 24/10/17).

<sup>1013</sup> Gerald M. Boyd, ‘Reagans Advocate ‘Crusade’ on Drugs’, *New York Times*, 14<sup>th</sup> September 1986; Aljean Harmetz, ‘Nancy Reagan urges TV Roles That Rejects Drugs’, *New York Times*, 31<sup>st</sup> October 1986.

<sup>1014</sup> By 1988 there were 12,000 ‘Just Say No’ clubs in the US according to the Reagan Foundation [online]. Available from: <[http://www.reaganfoundation.org/details\\_t.aspx?p=RR1005NRL&lm=reagan&args\\_a=cms&args\\_b=10&args\\_sb=N&tx=1203](http://www.reaganfoundation.org/details_t.aspx?p=RR1005NRL&lm=reagan&args_a=cms&args_b=10&args_sb=N&tx=1203)> (accessed 24/10/17).

<sup>1015</sup> The cast of British TV programme *Grange Hill* were flown out to the US to meet with the Reagans. Members of the cast claimed, at the time, that they smoked cannabis in the White House. See, ‘We Were Stoned When We Went to the White House for Say No to Drugs Day’, *The Sunday Mirror*, 22<sup>nd</sup> November 1998 [online]. Available from:

<<http://www.thefreelibrary.com/We+were+stoned+when+we+went+to+the+White+House+for+Say+No+To+D>

the domestic dimension of the Reagan administration's securitizing move against all aspects of the drug trade but particularly against drug use. In the 1970s, the 'Parent Power' movement was established in Georgia in response to parental concern about youth drug use; their message was one of zero-tolerance and abstinence.<sup>1016</sup> However it was not until the 1980s that their success was really felt as their message dovetailed with Nancy Reagan's 'Just Say No' campaign.<sup>1017</sup>

Nancy appeared in an episode of US sitcom 'Diff'rent Strokes' in 1983 and the US soap opera 'Dynasty' to share her message.<sup>1018</sup> She attended schools and conferences and in 1985 she called together the wives of the major world leaders for a First Ladies' anti-drug abuse conference in order to share the message globally.<sup>1019</sup> She was also the first US First Lady to speak at the UN General Assembly in 1988,<sup>1020</sup> where she spoke about the need to reduce demand for drugs as much as supply. In her speech, she argued that

If we cannot stem the American demand for drugs, then there will be little hope of preventing foreign drug producers from fulfilling that demand. We will not get anywhere if we place a heavier burden of action on foreign governments than on America's own mayors, judges, and legislators. You see, the cocaine cartel does not begin in Medellin. It begins in the streets of New York, Miami, Los Angeles, and every American city where crack is bought and sold.<sup>1021</sup>

Nancy placed her emphasis on demand-control in contrast to the administration's preference for supply-control. George Shultz noted that administration officials tried to talk her out of giving the speech and also tried to persuade her to change the message: they wanted her to focus more on the supply-side policies rather than decreasing demand in the US.<sup>1022</sup> Nancy Reagan can clearly be seen as

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[rugs...-a060651619>](#) (accessed 15/07/15). More recently, the actors have retracted this claim. See, Emine Saner, 'Just say no! What really happened when Grange Hill met Nancy Reagan at the White House', *The Guardian*, 7<sup>th</sup> March 2016 [online]. Available from: <<https://www.theguardian.com/tv-and-radio/shortcuts/2016/mar/07/grange-hill-nancy-reagan-white-house-just-say-no>> (accessed 05/01/18).

<sup>1016</sup> Beck, pp. 24-25.

<sup>1017</sup> Beck, pp. 24-25.

<sup>1018</sup> Jacob Sullum, 'Just Say No to Nancy Reagan's 'Outspoken Intolerance'', *Forbes Magazine*, 10th March 2016 [online]. Available from: <<http://www.forbes.com/sites/jacobsullum/2016/03/10/just-say-no-to-nancy-reagans-outspoken-intolerance/#4ca0ed4f20c8>> (accessed 14/06/16).

<sup>1019</sup> Baum, *Smoke and Mirrors*, p. 192.

<sup>1020</sup> Shultz, 'Drugs: The War with No Winner', p. 54.

<sup>1021</sup> Quoted in Shultz, 'Drugs: The War with No Winner', p. 54.

<sup>1022</sup> Shultz, 'Drugs: The War with No Winner', p. 54.



engaging in explicit attempts to bolster the securitization of drugs as a societal threat and indeed on occasion as an actor in her own right, although the role of the 'Parent Power' movement in giving her legitimacy to speak should not be underestimated.

### 3.1.3. Federal bodies

Various federal agencies also played a key role in promoting the securitization of drugs such as the CIA, the Coast Guards and the Customs and Border Protection Agency. President Nixon had mandated for the CIA to become involved in the 'war on drugs' and they enthusiastically participated.<sup>1023</sup> There have long been allegations of CIA complicity in drug trafficking in South East Asia<sup>1024</sup> and later the CIA was accused of supporting and condoning, if not actually participating in, drug trafficking from Latin America.<sup>1025</sup> It would be fair to say that regardless of the true level of involvement of the CIA in drug trafficking, they would have had a detailed awareness of how the illicit drugs trade could be used to provide funding for non-state actors. Their long-time involvement in counter-narcotics operations may well have informed the 1985 National Intelligence Estimate looking at the threat drug trafficking posed to national security.

The Drug Enforcement Administration (DEA) was created by president Nixon in 1973<sup>1026</sup> through the merger of the Bureau of Narcotic and Dangerous Drugs and the Office of Drug Abuse Law Enforcement.<sup>1027</sup> This new agency's primary task was to "interdict the highest levels of the illicit drug traffic."<sup>1028</sup> However there were tensions between the DEA and CIA, who it is alleged undermined DEA operations when they conflicted with CIA objectives.<sup>1029</sup> The DEA also disputed president Reagan's assertion that the Sandinistas were involved in drug trafficking.<sup>1030</sup> Despite the tensions between the

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<sup>1023</sup> Baum, *Smoke and Mirrors*, p. 72; Epstein, pp. 52-53.

<sup>1024</sup> See, McCoy.

<sup>1025</sup> In 1986 Senator John Kerry led a Senate Foreign Affairs Committee investigation into allegations of Contra involvement in drug trafficking which concluded that the CIA, and other government bodies, had at the very least failed to address these concerns due to other foreign policy considerations. See, ---, *Drugs, Law Enforcement and Foreign Policy*, Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations, United States Senate, December 1988 [online]. Available from: <http://nsarchive.gwu.edu/NSAEBB/NSAEBB113/north06.pdf> (accessed 17/07/14).

<sup>1026</sup> Epstein, p. 251.

<sup>1027</sup> Epstein, pp. 239-241.

<sup>1028</sup> Baum, *Smoke and Mirrors*, p. 84.

<sup>1029</sup> Valentine, pp. 174-203.

<sup>1030</sup> Joel Brinkley, 'Drug Agency Rebuts Reagan Charge', *New York Times*, 18<sup>th</sup> March 1986.

Reagan administration, CIA and the DEA, they were active participants in the securitization process and joined the military in Operation Blast Furnace.<sup>1031</sup>

The Coast Guards<sup>1032</sup> and Customs Agency were the lead agencies for the interdiction of drugs into the United States, and since the amendment of the PCA, they had been able to rely on loans of equipment from the military to aid their operations. However, the loan of such equipment had cost the Coast Guards and Custom Agency greatly, as they had to pay the military for its use and this became a source of concern for Congress, the administration and the agencies themselves. Turner argued that “If the military insists on total reimbursement from civilian law enforcement agencies for the use of their facilities, the effectiveness of the Posse Comitatus exception will be cancelled.”<sup>1033</sup> When NSDD-221 was being drafted, Turner suggested that “we strongly recommend that the cost of military vessels, aircraft and other equipment utilized in drug enforcement operations be absorbed in part by the military.”<sup>1034</sup>

#### **3.1.4. Congress**

As mentioned earlier in this chapter, there were often structural tensions between executive and legislative branches of government; there were also tensions between the two main parties in Congress and between the House of Representatives and the Senate. It is interesting to note, however, that on the drugs issue, there was considerable agreement between Democrats and

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<sup>1031</sup> Joel Brinkley, ‘U.S. to Avoid Clashes in Bolivia Raid’, *New York Times*, 16<sup>th</sup> July 1986; George C. Wilson and Marty Thornton, ‘Broader Military Role Is Considered for Raids on Drug Sources Abroad’, *Washington Post*, 17<sup>th</sup> July 1986.

<sup>1032</sup> Originally the Coast Guards sat under Treasury Dept., moved to Dept. of Transportation in 1967, even though Coast Guards counts as one of the branches of the US military. The Coast Guards now sit under Dept. of Homeland Security. The PCA does not apply to the Coast Guards who do have power of seizure and arrest.

<sup>1033</sup> Memo to Martin Anderson from Carlton Turner dated 17<sup>th</sup> December 1981, Subject ‘Briefing projects for the President and Edwin Meese [Attorney General] – Monday Briefings’. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Drug Policy Documents (1 of 8), Box 23.

<sup>1034</sup> Memo to Edwin Gray from Carlton Turner, dated 27<sup>th</sup> October 1981, Subject ‘Posse Comitatus Exception’. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Drug Policy Documents (1 of 8), Box 23.

Republicans. This suggests that the 'drugs as an existential threat' discourse was overwhelming accepted in Congress. In fact, both parties vied with each other to be seen as the toughest on drugs.<sup>1035</sup>

This competition became particularly acute during the 1986 mid-term elections when both parties, and both arms of Congress, proposed stringent amendments to the Anti-Drug Abuse Act of that year in order to show the public that they were more serious than their opponents in tackling the 'drug issue'.<sup>1036</sup> The Republican administration felt their emphasis on targeting users would be more effective and popular than the Democrats' approach towards increasing funding for law enforcement and treatment. Turner argued that the idea of

having some Republicans introduce very tough legislation on the Hill designed to solve the problem and hold the user responsible, as Mrs. Reagan said in her op-ed piece, is good. DOJ has drafted an excellent legislative proposal... to ... hold users accountable [underlining in original text]. Since the Democrats are afraid of offending "recreational users", they will probably throw money into law enforcement and supporting urban treatment facilities. Thus their approach will miss the mark. Our approach of motivating users to stop using drugs and developing a national atmosphere of intolerance to illegal drugs is truly Presidential and the Congress cannot match it.<sup>1037</sup>

The battle to appear tough on drugs in the run-up to the elections highlights how elected officials appeal to "moral audiences"<sup>1038</sup> for legitimacy in the securitization process but it also shows the difficulties in separating the 'actor' from the 'audiences' within the Copenhagen School's conceptualisation of securitization. As will be discussed in more detail below, the general public was not simply an 'audience' but also an 'actor' in the securitizing process.

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<sup>1035</sup> *Washington Times* article 'House Republicans, Democrats Squabble for Credit on Drug Bill', dated 25th July 1986. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Chron File March 1985-July 1986, Box 2.

<sup>1036</sup> Phil Gailey, 'War on Narcotics Emerging as Issue in Fall Campaigns', *New York Times*, 8<sup>th</sup> September 1986; Judy Mann, 'Politicians' Handy Drug War', *Washington Post*, 24<sup>th</sup> September 1986; Linda Greenhouse, 'Congress Approves Anti-Drug Bill as Senate Bars a Death Provision', *New York Times*, 17<sup>th</sup> October 1986.

<sup>1037</sup> Memo from Carlton Turner to Donald T. Regan, dated 4<sup>th</sup> August 1986, on the Democrats' drug policy, it notes that the Democrats attempted to push through legislation on drugs but that the Republicans trumped them with harsher legislation. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Chron. File 1983-1986 (Miscellaneous Papers) Box 1.

<sup>1038</sup> Roe, 'Actor, Audience(s) and Emergency Measures', p. 613.

As well as the two main political parties, some individual members of Congress also played an active role in the securitization process. Senators and Representatives from states that bordered Mexico, such as Florida (Paula Hawkins, Clay Shaw and Charles Bennett) and Texas (Lloyd Bentsen), but also those that represented large cities such as Charles B. Rangel from New York, took a keen interest in the role of the military in drug law enforcement. It was Shaw who, in 1981, first proposed that the military be given the power of arrest and seizure<sup>1039</sup> and in 1985 another congressman from Florida - Charles Bennett - sponsored another amendment of the PCA that would have allowed the military to directly enforce drug laws outside of US borders.<sup>1040</sup> Paula Hawkins regularly spoke out about drug issues,<sup>1041</sup> particularly the alleged role of the Cubans in drug trafficking.<sup>1042</sup> As can be seen by the range of different actors involved, the Reagan era securitization of drugs was not simply a 'top down' process, led by the executive branch, but involved actors at all levels of society from elites to parents' groups, as will be discussed in more detail later in this chapter.

### 3.2. Oppositional voices

As well as groups that supported the designation of 'security' and the practices that were proposed to deal with the threat posed by drugs, there were also groups that opposed either the designation of drugs as a security threat, or the solutions proposed. The US Department of Defense was against expanding the military's role in the 'war on drugs' initially, particularly giving soldiers the power of arrest. Outside of the Reagan administration and federal bodies, there was also a movement that called for the legalisation of cannabis, therefore challenging the idea that this drug was a threat at all.

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<sup>1039</sup> Shaw proposed an amendment, known as the 'Shaw Amendment', to the Posse Comitatus Act in order to allow the military to have the power of arrest. There are a number of documents in the Reagan archives that refer to the Shaw Amendment. In a letter from Shaw to Edwin Meese (White House Counsellor) dated 2<sup>nd</sup> October 1981, Shaw asks Meese for the president's support of his bill; in a memo from the White House Office of Policy Development to Edwin Meese dated 19<sup>th</sup> October 1981, the writer notes that the Shaw Amendment was likely to be very controversial and suggests that the president does not support it. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Drug Policy Documents (1 of 8), Box 23.

<sup>1040</sup> Arnold S. Trebach, *The Great Drug War and Rational Proposals to Turn the Tide*, (Bloomington, IN.: Unlimited Publishing LLC., 2005), p. 168.

<sup>1041</sup> 'The Politics of Drugs, 1986', *Washington Post*, 4<sup>th</sup> November 1986.

<sup>1042</sup> Hawkins was chairperson of the Chairman of the Senate Drug Enforcement Caucus and produced a special report on the role of Cubans in the drug trade. 'Castro and the Narcotics Connection, Cuban American National Foundation 1983', Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Box 13.

### 3.2.1. The Department of Defense

As mentioned above, there were sections of the Reagan administration that, though they accepted the threat posed by drugs, challenged the proposed solution. The Secretary of Defense, Caspar Weinberger and the Pentagon were staunchly against increasing the role of the military in counter-narcotics operations for wide ranging reasons: they were worried it would reduce military preparedness,<sup>1043</sup> they were opposed to the idea of military having powers of arrest,<sup>1044</sup> and they were alarmed at the thought of the military being subordinate to civilian law enforcement.<sup>1045</sup> The separation of the military and civilian law enforcement had long been an important issue for the US; indeed, the PCA was drafted in order to formalise this division.<sup>1046</sup> From the beginning, Weinberger was opposed to military involvement in drug law enforcement, which he described as “very dangerous and undesirable”.<sup>1047</sup> In June 1985, Weinberger summed up his objections in a letter to Les Aspin, Chairman of the House Armed Services Committee, in response to the proposed amendment of the PCA by Representative Charles Bennett of Florida. Weinberger argued that “reliance on military forces to accomplish civilian tasks is detrimental to both military readiness and the democratic process... we strongly oppose the extension of civilian police powers to our military forces.”<sup>1048</sup> For Weinberger, the most useful role that the military could play in counter-narcotics was “to provide support so that the civilian law enforcement agencies can make necessary arrests, searches and seizures.”<sup>1049</sup>

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<sup>1043</sup> Quoted in ‘Illegal Drugs and U.S. Security’, by retired general Paul Gorman, as an appendix to America’s Drug Habit: Drugs Abuse, Drug Trafficking, and Organized Crime’, report to the President and Attorney General by the President’s Commission on Organized Crime, September 1985, p. 26; also quoted in ‘New Police Powers Weighed for Military’, *Washington Post*, 25<sup>th</sup> June 1985.

<sup>1044</sup> ‘Drugs as a military matter?’, *Christian Science Monitor*, 25th June 1986. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Chron. File 1983-1986 (Miscellaneous Papers) Box 1.

<sup>1045</sup> Memo from the Office of Policy Development (Carlton Turner and Mike Uhlmann) to Edwin Meese, White House Counsellor, with regards to a meeting with Florida Representative Clay Shaw about the amendment to the Posse Comitatus Act, 19<sup>th</sup> October 1981. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Drug Policy Documents (1 of 8), Box 23.

<sup>1046</sup> Matthew Carlton Hammond, ‘The Posse Comitatus Act: A Principle in Need of Renewal’, *Washington University Law Quarterly*, Vol. 75: 2, January 1997, pp. 956-961.

<sup>1047</sup> Quoted in Joanne Omang, ‘Military Role in Drug Fight Outlined’, *Washington Post*, 9<sup>th</sup> June 1986.

<sup>1048</sup> Gorman, p. 26; also quoted in ‘New Police Powers Weighed for Military’, *Washington Post*, 25<sup>th</sup> June 1985.

<sup>1049</sup> Quoted in Marilyn Kay, ‘Joint Chiefs: Use Military vs. Drugs’, *Executive Intelligence Review (EIR)*, Vol. 12, No. 27, July 1985, p. 54.

In 1988 when Congress again tried to push through giving the military the power of arrest,<sup>1050</sup> Weinberger, by that time no longer Secretary of Defense, again made another intervention in an article for the *Washington Post* where he stated:

Calling for the use of the government's full military resources to put a stop to the drug trade makes for hot exciting rhetoric. But responding to those calls would make for terrible national security policy, poor politics and guaranteed failure in the campaign against drugs.<sup>1051</sup>

What this article shows is that whilst he accepted that drugs were a threat to US society and also to democracy in other countries, he argued that the using the military was not the right solution. He stated that "the drug crisis... [is one amongst a number of] ...national security threats that may not be military threats".<sup>1052</sup> Weinberger did acknowledge that there were times when military involvement could be beneficial, such as Operation Blast Furnace, which he argued was effective because the Bolivian government asked for help and there was a clear and achievable objective.<sup>1053</sup> This article reflects the so-called Weinberger Doctrine that stated that the military should only be committed overseas when there was a "clear intention of winning... [and that there should be] clearly defined political and military objectives".<sup>1054</sup> Weinberger himself, and the Pentagon in general, should have been in a privileged position to speak about national security because of their role in protecting the US from threats. However, it is clear that Weinberger's views held little sway over the president in this area, even though the military was never given the power of arrest during Reagan's time in power.

### **3.2.2. The cannabis decriminalisation and legalisation movements**

While the military resisted the proposed solution to the 'drugs threat', there was a small section of US society who not only challenged the solution, but also contested whether drugs were a threat at all.

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<sup>1050</sup> The Posse Comitatus Act was never amended to give the military powers of seizure and arrest but by the late 1980s, it was generally agreed that this act only applied domestically and therefore the military had more powers when operating internationally. This was the defence used when any criticism arose of Operation Just Cause, which saw US Army personnel invading Panama and in order to the Panamanian leader General Noriega. See, Sanchez, p. 135.

<sup>1051</sup> Caspar W. Weinberger, 'Our Troops Should Not Be Drug Cops', *Washington Post*, 22<sup>nd</sup> May 1988.

<sup>1052</sup> Weinberger, 'Our Troops Should Not Be Drug Cops'.

<sup>1053</sup> Weinberger, 'Our Troops Should Not Be Drug Cops'.

<sup>1054</sup> Weinberger speech titled 'The Uses of Military Power' to National Press Club, Washington D.C. 28<sup>th</sup> November 1984. Quoted in Caspar Weinberger, *Fighting for Peace: Seven Critical Years in the Pentagon*, (Warner Books: New York, 1991), p. 453.

In the 1970s there had been a growing cannabis legalisation and decriminalisation movement. Nixon, as part of his ‘war on drugs’ set up the Shafer Commission to examine levels of cannabis use. When it reported in 1972, the Commission concluded that cannabis prohibition had failed to reduce use and that alternative policies should be explored.<sup>1055</sup> Nixon ignored the report as it did not fit with his ‘war on drugs’ rhetoric.<sup>1056</sup> However, this did not stop the debate or a number of states voting on reforming the cannabis laws. In 1972 California held an unsuccessful vote to legalise cannabis; a year later Oregon became the first state to decriminalise possession of the drug, and California followed shortly after in 1975.<sup>1057</sup> Between 1973 and 1978 twelve other US states decriminalised or depenalised the possession of cannabis.<sup>1058</sup> This development was challenged during the Reagan era and in 1986, a White House panel threatened to withdraw federal funding for states that had decriminalised possession of drugs.<sup>1059</sup>

During the Reagan administration, these debates on cannabis law reform were far more limited, but they did still exist. In 1986, Oregon held ballot initiative to legalise the possession and growing of cannabis for personal use, though this measure failed.<sup>1060</sup> It is interesting to note that despite the rhetoric of the time, and in contrast to the ballot initiatives to legalise cannabis since 2012, there was no mention of how the illegal cannabis trade threatens national security, although the support notes did mention the role of organised crime.<sup>1061</sup> Also in 1986 the Department of Justice (DoJ) produced a

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<sup>1055</sup> Shafer Commission report quoted in Eric, E. Sterling, ‘Shafer Commission Report on Marijuana and Drugs, Issued 40 Years Ago Today, Was Ahead of its Time’, *Huffington Post*, 21st March 2013 [online]. Available from: <<http://www.huffingtonpost.com/eric-e-sterling/shafer-commission-report-b-2925777.html>> (accessed 13/08/17).

<sup>1056</sup> Emily Crick, Heather J. Haase and Dave Bewley-Taylor, *Legally regulated cannabis markets in the US: Implications and possibilities*, Global Drug Policy Observatory Policy Report 1, (Swansea University, November 2013), p. 3.

<sup>1057</sup> Crick et al., *Legally regulated cannabis markets in the US*, p. 3.

<sup>1058</sup> Crick et al., *Legally regulated cannabis markets in the US*, p. 3.

<sup>1059</sup> Philip Shenon, ‘Withdrawal of U.S. Funds for States Urged as Antidrug Step’, *New York Times*, 21<sup>st</sup> August 1986.

<sup>1060</sup> Ballotpedia, Oregon Marijuana Legalization for Personal Use, Ballot Measure 5 (1986) [online]. Available from: <[https://ballotpedia.org/Oregon\\_Marijuana\\_Legalization\\_for\\_Personal\\_Use,\\_Ballot\\_Measure\\_5\\_\(1986\)](https://ballotpedia.org/Oregon_Marijuana_Legalization_for_Personal_Use,_Ballot_Measure_5_(1986))> (accessed 17/07/14).

<sup>1061</sup> For analysis of the recent Washington, Colorado and Oregon ballot initiatives on cannabis legalisation, see Emily Crick, Mark Cooke and Dave Bewley-Taylor, ‘*Selling cannabis regulation: Learning from Ballot Initiatives*

report discussing domestic cannabis eradication that mentioned the option to legalise the drug.<sup>1062</sup> Carlton Turner opposed that idea strongly, noting that “the very existence of the option is a significant policy liability.... This could set us back 50 years, particularly in the international area.”<sup>1063</sup> He noted that legalization “would cause many problems internationally” as it would be in contravention of US commitments to the UN Single Convention.<sup>1064</sup> Turner confirmed that “it has been our policy to declare that legalization is not [underlined in original text] an option”.<sup>1065</sup> The debate around legalisation continued, and in 1988 the mayors of Baltimore and Washington, cities troubled by drug crime and violence, went further and mooted the possibility of legalisation of all drugs.<sup>1066</sup> However, these discussions were rejected out of hand by the administration.

### 3.3. The ‘audience(s)’

The audience has a crucial role in the securitizing process but sometimes it can be difficult to pinpoint exactly who the audience is. As discussed in Chapter Two, Paul Roe has identified two audiences: the moral one, which usually constitutes the general public, and the formal one such as the legislature.<sup>1067</sup> With the case of NSDD-221, the Reagan administration did not need acceptance from either the formal or moral audiences because it was an executive decree. Despite this, the administration did publicly announce NSDD-221 after it had been signed, which suggests that they did want acceptance from their moral audience even if they did not need it. The subsidiary speech acts carried out by the Reagan administration were largely aimed at the media, and through them, the general public. The media, by

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*in the United States in 2012*’, Global Drug Policy Observatory Policy Brief 6, (Swansea University, November 2014); for the text of the ballot measure and the accompanying support notes see, ----, *Voters Pamphlet*, (Salem, OR.: State of Oregon, October 1986) [online]. Available from: <http://library.state.or.us/repository/2010/201003011350161/ORVPGenMari1986.pdf> (accessed 07/08/17).

<sup>1062</sup> Department of Justice (DoJ) report on domestic cannabis production/eradication. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Chron. File March 1985-July 1986, Box 2.

<sup>1063</sup> Memo to Jack A. Svahn from Carlton Turner, titled ‘Drug Abuse Policy’, dated 19<sup>th</sup> June 1986. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Chron File March 1985-July 1986, Box 2.

<sup>1064</sup> Handwritten note by Carlton Turner on the copy of DoJ report. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Chron File March 1985-July 1986, Box 2.

<sup>1065</sup> Handwritten note by Carlton Turner on the copy of DoJ report. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Chron File March 1985-July 1986, Box 2.

<sup>1066</sup> Charles Krauthammer, ‘Legalize? No, Deglamorize’, *Washington Post*, 20<sup>th</sup> May 1988.

<sup>1067</sup> Roe, ‘Actor, Audience(s) and Emergency Measures’, p. 613.



acting as a channel through which the Reagan administration could broadcast their messages,<sup>1068</sup> but also by holding politicians up to scrutiny and running their own campaigns, can be seen as both audience and actor. There is a blurring of the role of the general public too, as they were the target audience for the Reagan administration, but also as public concern grew during 1986, this drove the executive and legislative branches to put forward increasingly stringent proposals for dealing with the threats.

### 3.3.1. The media

Drug use was actually in decline in the 1980s,<sup>1069</sup> although problematic drug use and overdoses were on the increase.<sup>1070</sup> Between 1979 and 1984 drugs did not appear in polling that regularly measured public perception of threats facing the US, but this started to change in the mid-1980s.<sup>1071</sup> Though cocaine had been growing in popularity in the United States since the 1970s, a new cocaine-based drug - crack - had started to be seen, particularly in large US cities and the media hyped the idea of a 'crack epidemic'.<sup>1072</sup> In the summer of 1986 two young black sportsmen, basketballer Len Bias and footballer Don Rogers, died after using cocaine or crack<sup>1073</sup> and both deaths were widely reported in the media. This contributed to growing public concern surrounding drug use in general and the 'crack epidemic' in particular.<sup>1074</sup> Media hysteria focussed especially on the plight of 'crack babies', although the evidence of children being born addicted to the drug were later found to have been massively over-stated.<sup>1075</sup> Jensen, Gerber and Babcock analysed media reporting of drug issues from 1975 until 1986 and found that the highest number of articles were produced in 1986.<sup>1076</sup> They then analysed reporting in that year only and found that media coverage of drugs hit the peak in August as the new

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<sup>1068</sup> James E. Hawdon, 'The Role of Presidential Rhetoric in the Creation of a Moral Panic: Reagan, Bush, and the War on Drugs', *Deviant Behavior*, Vol. 22:5, 2001, p. 420; Whitford and Yates, p. 995.

<sup>1069</sup> Hawdon, p. 420; Jensen et al., pp. 653-655.

<sup>1070</sup> Goode and Ben-Yehuda, p. 219.

<sup>1071</sup> Goode and Ben-Yehuda, p. 206.

<sup>1072</sup> Goode and Ben-Yehuda, p. 213.

<sup>1073</sup> Jensen et al., p. 659; Baum, *Smoke and Mirrors*, p. 226.

<sup>1074</sup> Jensen et al., p. 659; Joel Brinkley, 'Competing for the Last Word on Drug Abuse', *New York Times*, 6th August 1986; Peter Kerr, 'Rising Concern on Drugs Stirs Public to Activism', *New York Times*, 10th August 1986.

<sup>1075</sup> Goode and Ben-Yehuda, pp. 216-218.

<sup>1076</sup> Jensen et al., p. 658.

anti-drug bill was being debated in Congress.<sup>1077</sup> The same study also found that whilst in April 1986 only 2% of the population considered drugs were the most important issue facing the US, by August this had risen to 13%, making it the most cited threat.<sup>1078</sup> This indicates the power that media coverage had in shaping public opinion, which clearly makes them an ‘agent’ of the securitizing process. It also highlights the intersubjective nature of the securitizing move. However, to see the media as the predominant actor would be to downplay the role of the Reagan administration in encouraging and cultivating anti-drug rhetoric within the media and the general public.

### 3.3.2. The general public

The language through which the agents of securitization communicated the drug threat to the general public tended towards hyperbole and was overlaid with emotive images. Prime examples of this are Reagan’s speeches when he argued that drugs were as much of a threat to the United States as “enemy planes and missiles”<sup>1079</sup> and that they were “killing our children”.<sup>1080</sup> As discussed above, there was a close relationship between the media and Reagan administration discourses on drugs and this shaped how the general public perceived the ‘drug issue’. Because in democratic societies, the electorate has the power to vote in or out governments, they do have a considerable amount of power in the eyes of politicians and therefore are often appealed to for moral support.<sup>1081</sup> In 1986 there were mid-term elections in the US and this coincided with the rise in importance of the ‘drug issue’ for politicians, the media and the general public and so Congress competed with the Reagan administration, and the Democrats competed with the Republicans, to be seen as the ‘toughest’ on drugs in this year.<sup>1082</sup> All parties appealed to the general public to gain legitimacy for their stances.<sup>1083</sup>

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<sup>1077</sup> Jensen et al., p. 660.

<sup>1078</sup> Jensen et al., p. 656.

<sup>1079</sup> Ronald Reagan, *Remarks on Signing the Just Say No to Drugs Week Proclamation*, 20<sup>th</sup> May 1986, Ronald Reagan Presidential Library and Museum [online]. Available from: <https://www.reaganlibrary.archives.gov/archives/speeches/1986/52086a.htm> (accessed 25/03/15).

<sup>1080</sup> Ronald Reagan, *Address to the Nation to Launch Campaign Against Drug Abuse*, 6<sup>th</sup> September 1986, Ronald Reagan Presidential Library and Museum [online]. Available from: <https://reaganlibrary.archives.gov/archives/speeches/1986/091486a.htm> (accessed 25/03/15).

<sup>1081</sup> Roe, ‘Actor, Audience(s) and Emergency Measures’, p. 613.

<sup>1082</sup> See, Galen Carpenter, p. 28; Baum, *Smoke and Mirrors*, p. 228; Marcy, pp. 86-87.

<sup>1083</sup> Peter Kerr, ‘Anatomy of the Drug issue: How, After Years, It Erupted’, *New York Times*, 17<sup>th</sup> November 1986.

Parents' and community groups that campaigned for 'zero-tolerance' on drugs use also played a role in the securitization process and again they can be seen as part actor and part audience. They worked together with Reagan administration officials and treatment professionals to shape government policy around drug use and treatment, but they were also influenced by the 'war on drugs' rhetoric that had been promoted by Reagan administrations officials and Nancy Reagan's 'Just Say No' campaign.<sup>1084</sup> In 1986, community and church groups began to hold 'anti-crack' rallies to highlight the damage done to their communities by the drug, and a group of 60 churches went as far as to call crack use a "new form of genocide".<sup>1085</sup> The 'Parent Power' movement that had begun in the 1970s gained support from the 'Just Say No' campaign and worked to promote a 'zero-tolerance' approach.<sup>1086</sup> As well as Nancy Reagan's high profile 'Just Say No' campaign, in 1987 the Partnership for a Drug Free America was established to further promote abstinence-based policies. It became the third largest advertising campaign in the US, after telecoms giant AT&T and fast food chain McDonalds.<sup>1087</sup> These campaigns were far reaching in their influence but did not take into account the myriad reasons why people take drugs and created a powerful and simple narrative against drug use that placed the blame on the drug user for not saying 'no'.<sup>1088</sup> This shows not only the intersubjective nature of the securitizing process, but also that this securitizing move was not solely a 'top down' process. This relationship is also an example of the co-constitution between 'actor' and 'audience'. By using the narratives of the 'Parent Power' movement, Nancy Reagan reinforced their position as legitimate actors but also confirmed her own role as a voice for parents in America.

### 3.3.3. International audiences

The Reagan administration's securitization of drugs was directed not only at the domestic audiences but also international ones. In November 1986 Reagan summoned 21 US ambassadors from important drug production and transit states as well as US allies in drug control<sup>1089</sup> to a meeting in Washington D.C. to inform them that they must stress upon their hosts the importance of

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<sup>1084</sup> Beck, pp. 24-25; Baum, *Smoke and Mirrors*, pp. 99-103, 191-193.

<sup>1085</sup> Peter Kerr, 'Rising Concern on Drugs Stirs Public to Activism', *New York Times*, 10th August 1986.

<sup>1086</sup> Beck, pp. 24-25.

<sup>1087</sup> Baum, *Smoke and Mirrors*, p. 296-297.

<sup>1088</sup> Baum, *Smoke and Mirrors*, p. 200.

<sup>1089</sup> Those invited were the ambassadors of Bolivia, Colombia, Peru, Ecuador, Brazil, Venezuela, Jamaica, Mexico, Burma, Thailand, Laos, Pakistan, Afghanistan, the Bahamas, Panama, Turkey, Nigeria, Bulgaria, the UK, West Germany, Italy, Austria and the US ambassador to the UN.

international drug control to the US. In a telegram sent to the embassies before the conference began the objectives for the conference were clearly outlined:

First, to convey to the ambassadors the sense of urgency with which the U.S. government is approaching the issue of drug demand reduction; second to create opportunity for ambassadors to discuss increased regional cooperation which could lead to a more effective international narcotics strategy; and third, to signal to host countries involved in narcotics production and trafficking that the U.S. public and government officials attach great importance to international narcotics control.<sup>1090</sup>

At the conference the proposed UN convention on drug trafficking (what would become the 1998 UN Convention) was discussed and the ambassadors were told to impress upon their host countries the “importance the U.S. attaches to the Conference and the draft Convention.”<sup>1091</sup> A US State Department briefing paper also praised the planned convention, noting that “the convention will provide methods for bilateral and multilateral cooperation in several specific areas including asset seizure and forfeiture, extradition, mutual legal and judicial assistance, controlled delivery and training of law enforcement officers.”<sup>1092</sup> Nancy Reagan also contributed to the internationalisation of the securitization of drugs. She held a First Ladies Conference on Drug Abuse in April 1985 to which she invited first ladies of other states to come together to discuss drug use<sup>1093</sup> and she spoke at the UN General Assembly about the need for more emphasis on demand-reduction.<sup>1094</sup>

In the early 1980s, two declarations (the Quito Declaration signed by Bolivia, Colombia, Ecuador, Nicaragua and Panama and the New York Declaration signed by Argentina, Bolivia, Brazil, Ecuador, Peru and Venezuela) came out of Latin America that called for international action on drug trafficking

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<sup>1090</sup> US Department of State telegram to the US ambassadors found in the Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Ambassadors meeting, October 6-7, 1986 (3 of 4) Box 1.

<sup>1091</sup> Report of the US Ambassadors conference held in Washington DC. from the 12-13th November 1986. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Ambassadors Conference on narcotics, 11/12/1986 (2 of 5) Box 7.

<sup>1092</sup> Department of State Briefing Paper, ‘Multilateral Initiatives in the UN’. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Ambassadors Conference on narcotics, 11/12/1986 (4 of 5) Box 7.

<sup>1093</sup> Baum, *Smoke and Mirrors*, p. 192.

<sup>1094</sup> Shultz, ‘Drugs: The War with no Winner’, p. 54.

and argued that drugs trafficking should be seen as a crime against humanity.<sup>1095</sup> These declarations can be seen as the precursors to the 1988 UN Convention; however, when the treaty was drafted, the claim that drug trafficking was a crime against humanity was dropped. Instead, when the 1988 UN Convention Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances was finalised, it mirrored NSDD-221 in that it identified ‘the state’ as the referent object, rather than ‘humanity’ that was threatened by drug trafficking organisations.<sup>1096</sup> The convention also recommended using US-style law enforcement methods such as asset seizures as well as reinforcing drug prohibition as the predominant paradigm through which international drug control should be enacted.<sup>1097</sup> As mentioned above, the US also incorporated reference to the 1988 UN Convention into its ‘certification’ policy which strengthened their influence over international drug control. Here we see how the Reagan administrations’ securitization of drugs altered the drug control *dispositif* from a concern about drug use (the Single Convention) to identifying drug trafficking as a threat (1988 UN Convention). Furthermore, as has already been discussed in this chapter, the ‘certification’ policy allowed the US to portray themselves as the enforcer of the UN conventions.

#### **4. The context for the securitizing speech act(s)**

The securitization move carried out by the Reagan administration did not occur in a vacuum. The social and political context at the international and domestic levels influenced both the discursive strategies used by the actor(s) and the willingness of the audience(s) to accept the threats.

##### **4.1. The Cold War and the Reagan Doctrine**

It is necessary to place the Reagan era ‘drugs as an existential threat’ discourse within its geo-political context of the Cold War and the Reagan Doctrine that called for support for anti-communist resistance movements across the world but particularly in Central America. This is important because, as Buzan and Wæver argue, the Cold War was a “macrosecuritisation” that incorporates and stratifies other securitizations within it.<sup>1098</sup> When Reagan came to power in January 1981 one of his key objectives was to halt what he saw as Soviet expansion; this objective came to be known as the Reagan Doctrine and involved supporting anti-communist resistance movements in the developing world to promote

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<sup>1095</sup> United Nations, *Commentary on the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988*, E/CN.7/590, (New York: United Nations, 1988), pp. 2-11.

<sup>1096</sup> Crick, ‘Drugs as an Existential Threat’, p. 411.

<sup>1097</sup> Woodiwiss and Bewley-Taylor, pp. 20-25.

<sup>1098</sup> Buzan and Wæver, ‘Macrosecuritisation’, p. 257.

democracy and freedom.<sup>1099</sup> Reagan had been speaking out against the communist threat since the 1960s.<sup>1100</sup> However, despite this long-running theme, the Reagan Doctrine did not become fully articulated until Reagan's second term<sup>1101</sup> when he announced that "we must not break faith with those who are risking their lives – on every continent from Afghanistan to Nicaragua – to defy Soviet-supported aggression and secure rights which have been ours from birth"<sup>1102</sup> in his 1985 State of Union address. For many in the Reagan administration, fighting communism was seen as more important than spreading democracy.<sup>1103</sup> However Secretary of State George Shultz gave a speech shortly after the president's 1985 State of Union address in which he claimed the US wanted to support other human rights and democracy movements, for example in South Korea and the Philippines, as well as anti-communist movements.<sup>1104</sup>

As mentioned earlier in this chapter, the identification of Bulgaria, Cuba and Nicaragua as regimes that participated in drug trafficking is clearly driven by Cold War ideology,<sup>1105</sup> especially considering the lack of reference to Noriega in Panama, who was seen as an ally, and any recognition that the Contras were also involved in drug smuggling.<sup>1106</sup> Furthermore, a memo from August 1986 lists the countries that are involved in the production, trafficking and the transshipment of illicit drugs but does not mention Bulgaria, Cuba or Nicaragua.<sup>1107</sup> Reagan had long-blamed the "Moscow-Havana axis" for

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<sup>1099</sup> Scott, p. 237.

<sup>1100</sup> Erickson, p. 21; Chester Pach, 'The Reagan Doctrine: Principle, Pragmatism and Policy', *Presidential Studies Quarterly*, Vol. 36; 1, March 2006, p. 79.

<sup>1101</sup> Pach, p. 76; Scott, p. 237.

<sup>1102</sup> Ronald Reagan, *Address Before a Joint Session of the Congress on the State of the Union*, 6<sup>th</sup> February 1985, Ronald Reagan Presidential Library and Museum [online]. Available from:

<<https://reaganlibrary.archives.gov/archives/speeches/1985/20685e.htm>> (accessed 25/03/15).

<sup>1103</sup> Pach, p. 76; Scott, p. 242.

<sup>1104</sup> Pach, p. 78.

<sup>1105</sup> Bullington and Block, p. 52.

<sup>1106</sup> A report by of documents compiled by the National Security Archives showed that Oliver North had been given detailed evidence of the Contras role in drug trafficking but that he chose to ignore this. See, ----, *The Contras, Cocaine, and Covert Operations*, National Security Archive Electronic Briefing Book No. 2 [online]. Available from: <<http://nsarchive.gwu.edu/NSAEBB/NSAEBB2/index.html>> (accessed 26/03/15).

<sup>1107</sup> A memo to John A. Svahn from Carlton Turner titled 'Countries Involved in Illegal Drug Problem' and dated 8<sup>th</sup> August 1986, lists the countries that are involved in the illicit drug trade as: Afghanistan, Argentina, Australia, Bahamas, Belize, Bolivia, Brazil, Burma, Canada, Colombia, Costa Rica, Ecuador, the Federal Republic of Germany, France, Guatemala, Hong Kong, India, Indonesia, Iran, Italy, Jamaica, Laos, Lebanon,

sparking and supporting civil war in Central America,<sup>1108</sup> and as a presidential candidate in 1980 he called for the end to all support for the Sandinista government and the re-establishment of a “free and independent government”.<sup>1109</sup> In what can be seen as a forerunner of the Reagan Doctrine,<sup>1110</sup> soon after reaching the White House, the Reagan administration focussed on the situation in Nicaragua. The National Security Planning Group (NSPG), made up of the director of the CIA, the Secretary of State, the NSA, the Secretary of Defense and Jeanne Kirkpatrick, who was US Ambassador to the UN, started reviewing their options in early 1981.<sup>1111</sup> The NSPG established a \$19.5 million covert plan to support anti-Sandinista groups in Nicaragua and Honduras, which was authorised by Reagan in March 1981. William Casey, director of the CIA, described the plan to the House and Senate Intelligence Committee as a political and propaganda programme in Nicaragua and a regional attempt to halt weapons heading to El Salvador.<sup>1112</sup> The plan was linked to a State Department diplomatic initiative and the aim was to use US aid to pressure the Sandinistas to reform, though hardliners in the administration such as Weinberger, Casey, Kirkpatrick and Clark considered that the aim was to prevent Nicaragua becoming a communist state.<sup>1113</sup> The Reagan Doctrine, therefore, influenced NSDD-221 and the public announcements that accompanied it because they focussed on states that either were under Soviet influence (Cuba and Bulgaria) or were at risk of becoming so (Nicaragua). Naming Bulgaria in the NSDD-221 was partly influenced by the fact that they were part of the Soviet Bloc and the claim that they were helping to arm the Sandinistas, rather than because of any recent links to the drugs trade. It was claimed that “During 1980 Nicaragua also reportedly signed a secret defense agreement with Cuba. It also sent about 100 personnel for MiG pilot and mechanic training in Bulgaria”.<sup>1114</sup> Commissioner of Customs, William von Raab noted that

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Malaysia, Mexico, Morocco, Pakistan, Panama, Peru, Sweden, Syria, Thailand, Turkey, Venezuela. Ronald Reagan Presidential Library Collections, Turner, Carlton, E., Files, Chron File August 1986-September, Box 2.

<sup>1108</sup> Pach, p. 79.

<sup>1109</sup> Cited in, Scott, p. 239.

<sup>1110</sup> Scott, p. 242.

<sup>1111</sup> Scott, p. 241.

<sup>1112</sup> Scott, p. 242.

<sup>1113</sup> Scott, p. 242.

<sup>1114</sup> Unclassified excerpts from Reagan’s report to Congress pursuant to Section 8066 of the Continuing Resolution for FY-1985, PL 98-473, 10<sup>th</sup> April 1985. Ronald Reagan Presidential Library Collections, North, Oliver, Files, DRF/Contra – General, Democratic Resistance Forces, Box 4.

As you are aware, over the past several years there has been numerous and serious charges that Bulgaria was clandestinely involved in illicit narcotic and terrorist activity and that Bulgarian customs officials, including its management, were engaged in these activities.<sup>1115</sup>

However, whilst it had already been recognised that the Bulgarian state had been involved in drug trafficking in the past,<sup>1116</sup> by the mid-1980s it was agreed that they were no longer involved and instead they were cooperating with the DEA.<sup>1117</sup> Including Bulgaria in NSDD-221 also seems to be related to accusations that the Bulgarian Secret Service was involved in the attempted assassination of Pope John Paul II. Indeed, it was argued that “any legislation declaring or implying U.S. belief in Bulgarian wrongdoing should await the outcome of the Italian judicial proceedings concerning the attempted assassination of the Pope.”<sup>1118</sup> Despite this proposal, Bulgaria was named in NSDD-221 before the outcome of the investigation was concluded. This further reinforces the argument that identifying these specific countries as drug trafficking states was more to do with wider geo-political concerns than realities on the ground.

#### 4.2. ‘Family Values’

The Reagan administration was a conservative one that placed great emphasis on reducing crime, strengthening ‘morality’ and ‘family values’ across policy areas, but particularly when it came to drugs.<sup>1119</sup> Rising drug use was seen as a threat to one of the key tenets of conservative doctrine, that

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<sup>1115</sup> Testimony of William von Raab, Commissioner of Customs, to the Joint Hearing of the Subcommittee on Europe of the House Foreign Affairs Committee and the Task Force on International Narcotics Control, 24th July 1984. Reagan Presidential Library, C0024 (Bulgaria) 200000-299999 WHORM Subject File.

<sup>1116</sup> Misha Glenny, *McMafia: Seriously Organised Crime*, (London: Vintage, 2009), pp. 16-17.

<sup>1117</sup> See letter from Richard Lugar (Chair, Council of Foreign Relations) noting that in the past Bulgaria had been involved in drug and weapons smuggling so the US broke off formal customs cooperation in 1981 but in 1984 the government of Bulgaria was seen to be making attempts to improve relations and representatives met with DEA. The letter states that at the time of writing the Council of Foreign Relations are suspending judgement to see how this goes and as well as outcome of Italian investigation into attempted assassination of Pope John Paul II. Ronald Reagan Presidential Library Collections, C0024 (Bulgaria) 300000-END WHORM Subject File.

<sup>1118</sup> Letter from W. Tapley Bennett Jr. (Asst. Sec., Legislative and Intergovernmental Affairs) to Lee Hamilton (Chairman, Subcommittee on European and Middle East Council of Foreign Relations, House of Representatives) in relation to the 1984 bill HR5980 to examine US-Bulgarian relations. Reagan Presidential Archives (C0024 (Bulgaria) 200000-299999 WHORM Subject File).

<sup>1119</sup> Galen Carpenter, p. 20.



of the creation of a moral society.<sup>1120</sup> This concern was illustrated in a 1984 public address on the international dimensions of drug use made by Secretary of State George Shultz<sup>1121</sup> in which he argued that

Drug Abuse is one of the lingering symptoms of a deeper social and cultural phenomenon: the weakening of traditional values of family and community and religious faith that we have suffered for some time in Western Society... The carefully constructed edifice of a free society had to be buttressed by an enduring public and private morality.<sup>1122</sup>

The 'war on drugs' also connected with another concern of conservative Republicans: that of rising crime rates. Nixon had previously launched his 'war on drugs' as part of his fight against crime,<sup>1123</sup> and Reagan replicated this pattern. This was illustrated in his 1981 speech to the International Association of the Chiefs of Police when he referred to speeches he had made in 1967 and 1974 linking drugs and crime as evidence of his long-held interest in the topic.<sup>1124</sup> This 'New Conservatism' and the emphasis on 'family values' and morality was further played out through Ronald and Nancy Reagan's speeches identifying drugs as a threat to the family and the 'Just Say No' campaign with its focus on abstinence rather than substance maintenance and its simplification of the reasons why people use drugs problematically. These contextual factors contributed to both the acceptance of drugs as a threat to US society and national security and the rhetorical strategies used by the Reagans. They also contributed to the belief that external enemies were behind this threat and that increased criminalisation and militarisation of the 'war on drugs' were the correct responses to these threats.

## 5. Conclusion

This chapter has analysed the processes through which drugs were securitized by the Reagan administration. The securitization of drugs was an intersubjective process that functioned on multiple levels. It was not a 'top-down' process. Rather, there were a range of different agents that all

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<sup>1120</sup> Galen Carpenter, p. 20.

<sup>1121</sup> It is worth noting that Shultz's commitment to the 'war on drugs' seems likely to be political posturing rather than a deeply held belief because shortly after leaving his position, he gave a speech arguing that drugs should be legalised. See, 'Shultz on Drug Legalization', *Wall Street Journal*, 27<sup>th</sup> October 1989.

<sup>1122</sup> George Shultz, 'The Campaign Against Drugs', p. 1.

<sup>1123</sup> Baum, *Smoke and Mirrors*, pp. 10-12.

<sup>1124</sup> Ronald Reagan, *Remarks at the Annual Meeting of the International Association of Chiefs of Police*, New Orleans, 28<sup>th</sup> September 1981, Ronald Reagan Presidential Library and Museum [online]. Available from: <<https://reaganlibrary.archives.gov/archives/speeches/1981/92881a.htm>> (accessed 25/03/15).

contributed to creating a 'moral panic' about drug use and drug trafficking. These agents included the Reagan administration and the First Lady, Congress, the media and the general public as well as domestic and international practices carried out in the name of the 'war on drugs'. It is too simplistic to identify these groups as 'actors' and 'audiences'. Instead, it is more useful to see them all as agents that facilitate, or oppose, the securitizing move(s). Furthermore, in order to fully deconstruct the processes through which drugs became securitized during the Reagan era, it is important to analyse both the context in which the securitizing moves were made as well as the practices that contributed to acceptance of the 'drugs as an existential threat' narrative. This lends further weight to Balzacq's conceptualisation of the securitization process as 'agents', 'acts' and context<sup>1125</sup>, which more comprehensively captures the processes through which drugs became securitized during the Reagan era than the Copenhagen School framework.

NSDD-221 and the accompanying speech acts can be seen as meeting Salter's securitization threshold<sup>1126</sup> because the 'drug threat' was debated at all levels of society in America and drug use and drug trafficking were accepted as being threatening by the vast majority of US citizens. The Reagan administration also introduced a new referent object, that of the nation state. The solutions proposed to counteract the threat including 'certification' and military involvement in drug law enforcement overseas, as well as random drug testing, increased criminal penalties and a zero-tolerance approach to drug use at home were also widely accepted even though giving the military the power of arrest was not. These practices gave the US state new powers both internationally and domestically. The Reagan administration's approach to drugs involved both domestic and international speech acts and practices that fundamentally re-shaped the drug control *dispositif* at home and abroad. Within the US, after the Posse Comitatus Act (PCA) was amended and NSDD-221 was drawn up, it became accepted that the military and intelligence agencies had an important role to play in drug law enforcement; something that had been resisted since the late nineteenth century when the PCA was created. Also, in the domestic sphere, there was an emphasis on demand-reduction, but unlike under the Nixon administration when the first 'war on drugs' was launched, little money was actually provided for education and treatment. Instead, US citizens were expected to 'Just Say No', and those that failed to do so, were demonised as funding 'terrorists' and endangering the 'family' and threatening 'our children'. This led to an increase in incarceration alongside a reduction in treatment facilities that has created the situation whereby the US now has more citizens in prison

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<sup>1125</sup> Balzacq, 'Enquiries into Methods', pp. 35-36.

<sup>1126</sup> Salter, 'When Securitization Fails', p. 120.

that any other developed nation in the world<sup>1127</sup> as well as damaging race relations on the country<sup>1128</sup> and increasing the marginalisation of problematic drug users.<sup>1129</sup>

Internationally, the impacts of the Reagan era securitization have also been profound. Since NSDD-221 was instituted, drug law enforcement has become increasingly militarised and drug trafficking has been accepted as being a threat to the security of nation states, both the US and allies. The drug 'certification' policy has also had far reaching effects, legitimising the role of the US as the enforcer of the international drug control system and allowing US presidents to limit access to multilateral loans for those countries that are deemed not to be carrying out their commitments under the UN drug conventions. As will be seen in the next chapter (Chapter Six), the US castigates countries, and international bodies,<sup>1130</sup> that do not commit themselves fully to not only the letter but also the 'spirit' of the UN conventions.

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<sup>1127</sup> In 2017 the US incarcerates 666 people per 100,000. This is the highest of any OECD country. See, Statista, *Incarceration rates in OECD countries as of 2017* [online]. Available from: <<https://www.statista.com/statistics/300986/incarceration-rates-in-oecd-countries/>> (accessed 03/11/17).

<sup>1128</sup> Alexander, pp. 5-7.

<sup>1129</sup> Tony Newman, 'Nancy Reagan's Role in the Disastrous War on Drugs', *Huffington Post* [online], 7th March 2016. Available from: <[https://www.huffingtonpost.com/tony-newman/nancy-reagan-war-on-drugs\\_b\\_9400628.html](https://www.huffingtonpost.com/tony-newman/nancy-reagan-war-on-drugs_b_9400628.html)> (accessed 25/08/17).

<sup>1130</sup> Emily Crick, 'The WHO Cocaine Report the US Didn't Want You to See', *Transform Drug Policy Foundation blog*, 10th June 2009 [online]. Available from: <<http://transform-drugs.blogspot.co.uk/2009/06/report-they-didnt-want-you-to-see.html>> (accessed 30/04/16).

## Chapter Six

### Harm Reduction, Decriminalisation and Regulation as Challenges to the 'Drugs as a Threat'

#### Discourse

#### **1. Introduction**

As discussed earlier in this thesis, drug control varies from place to place and over time and the UN conventions allowed a certain amount of flexibility for signatory states in order to gain maximum adherence (see Chapters Three and Four). This chapter will analyse in more detail the variations within the international drug control system and the policy experimentation that is currently going on at the margins - as well as beyond the boundaries - of the system, in order to show how the 'drugs as a threat' discourse is being challenged but the drug control *dispositif* remains as strong as ever. As illustrated in Table 1 (the Drug Control *Dispositif*, p. 18), drugs and drug policy have been problematized in different ways. Those states that institute policies that are overwhelmingly prohibitionist in orientation and see 'drugs' as a threat, articulate their desire for a 'drug-free world'. Other states carry out policies under the assumption that a 'drug-free world' is not a realistic goal and therefore work to ameliorate the negative impacts of illicit drug use and see other issues – such as crime and marginalisation, or overdoses and infectious diseases – as greater problems than the 'drug threat'. These new policy developments largely reinforce the concept that drugs (and drug users) need to be controlled in some form, but they are a shift away from the securitized system of control and in some cases, represent desecuritizations or counter-securitizations as will be discussed in this chapter. Indeed, in 2009 the Ecuadorian representative to the Commission of Narcotic Drugs (CND) called for a "desecuritization of drug policy which allows us to address the problem from the perspective of health and human rights".<sup>1131</sup>

Even as the securitization of drugs seemed to be becoming the predominant way of understanding the 'drug problem', and the prohibition of the non-medical use of drugs was seen to be the best way of limiting the threat posed by the use and trade of these substances, at a local level the 'drugs as a threat' discourse was being challenged as this chapter will show. Furthermore, the negative impacts of over 50 years of prohibition have also been recognised at the international level. In 2008 the head of the United Nations Office on Drugs and Crime (UNODC) outlined five unintended consequences of the international drug control system these were: a "huge criminal black market"; "policy

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<sup>1131</sup> Cited in, Danny Kushlick, *International Security and the Global War on Drugs: The tragic irony of drug securitisation*, (Bristol: Transform Drug Policy Foundation, 2011), p. 3. Available from: < <http://www.tdpf.org.uk/sites/default/files/Tragic-irony-securitisation.pdf> > (accessed 30/04/16).

displacement” that emphasises law enforcement over public health; “geographical displacement” which is also known as the balloon effect; “substance displacement” which characterises how users, faced with a lack of access to one substance, will switch to using another substance; and the stigmatisation and marginalisation of drug users.<sup>1132</sup> These unintended consequences have caused some countries to shift their priorities to some extent as will be explored below.

This chapter will initially examine some examples of how the securitization of drugs has been put into practice across the globe in order to show the variation of policies that continue to exist within the drug control *dispositif* and how these policies have had negative impacts on health, violence and security. It will then analyse one of the first major challenges to the ‘drugs as a threat’ discourse: the ‘harm reduction’ movement that arose in response to the discovery that HIV/AIDS was spreading rapidly amongst injecting drug users (IDUs). Harm reduction practices such as opiate substitution therapy (OST) and needle and syringe exchange programmes (NSP) were put forward in order to reduce the spread of HIV amongst vulnerable and marginalised populations. Supervised drug consumption rooms (DCRs) were also introduced to reduce overdoses amongst illicit drug users. Other forms of harm reduction that aim to ameliorate some of the harms of illicit drug production and trade will then be analysed. Examples include Bolivia’s withdrawal from the Single Convention and re-accession with a reservation on coca growing in order to protect licit coca production;<sup>1133</sup> and US police forces, such as in Boston, that have attempted to reduce the violence associated with street drug markets through “smart policing”.<sup>1134</sup> Nevertheless, most policy changes have been carried out by developed states and have focused on users rather than producers and traffickers. The chapter will then explore the decriminalisation of the personal use of drugs which has been carried out most notably in Portugal. The Dutch variant of cannabis decriminalisation – the ‘coffee shop’ system – will also be discussed here. Finally, the recent development of legally regulated systems for the use and supply of cannabis will be scrutinised. These regulatory systems are the most serious challenge yet to the ‘drugs as a threat’ discourse and the international drug control system as it currently stands. Instead of seeing ‘drugs’ (or drug users, dealers, producers and traffickers) as a threat, other aspects

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<sup>1132</sup> Costa, pp. 10-11.

<sup>1133</sup> United Nations Office on Drugs and Crime (UNODC), *Bolivia to Re-accede to UN Drug Convention, While Making Exception on Coca Leaf Chewing*, UNODC January 2013 [online]. Available from: <https://www.unodc.org/unodc/en/frontpage/2013/January/bolivia-to-re-accede-to-un-drug-convention-while-making-exception-on-coca-leaf-chewing.html> (accessed 31/08/17).

<sup>1134</sup> Vanda Felbab-Brown, *Focused Deterrence, Selective Targeting, Drug Trafficking and Organised Crime: Concepts and Practicalities*, International Drug Policy Consortium (IDPC) Modernising Drug Law Enforcement Report 2, (London: IDPC, 2013), pp. 5-6.

of the 'drug problem' are seen as being more damaging to society and citizens. These include the marginalisation and stigmatisation of drugs users, public health issues relating to drug use or public nuisance due to open air drug use or dealing and the violence associated with it.

Though these changing practices often represent a shift away from the prohibitionist paradigm, they continue to operate within the drug control *dispositif*. The forms of control shift from a criminal justice approach to medical, social and regulatory frameworks. It is important to emphasise that, apart from a few examples, these changing practices overwhelmingly aim to deal with the negative impacts of illicit drug use, rather than addressing illicit drug production or trade. In other words, they aim to reduce the harms connected to illicit drug use (demand control) rather than concerning themselves with problems related to drug supply. This is in contrast to the Single Convention, and later drug control treaties that emphasised supply control. However, the harm reduction policies tend to focus on problematic drug use such as heroin injecting, rather than recreational use even though the United Nations Office on Drug Control (UNODC) recognise that almost 90% of those that use drugs do so non-problematically.<sup>1135</sup>

Notably, each time a territory takes a step away from the 'drugs as a threat' discourse and the prohibitionist paradigm they earn a stern rebuke from the International Narcotics Control Board (INCB) and often the US as well, even when these policies are permitted under the Single Convention. This illustrates the range of competing threat discourses that are now occurring within the drug control *dispositif*. Some states regard increasing HIV infections, marginalisation and public nuisance as greater problems within their societies than illicit drug use itself, in opposition to the INCB and US who see any move away from the prohibitionist paradigm as a threat to the drug control system itself.

## **2. The securitization of drugs in the 21st century**

As Chapters Four and Five have shown, drugs have become securitized since the 1961 UN Single Convention came into force. The 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances internationalised US President Reagan's securitization that established drugs not only as a threat to humankind, but also as a threat to the state. In the wake of these international securitizations, prohibition has become the norm in much of the world. This section explores some recent examples of how the securitization of drugs has been interpreted through national policies on drugs and those that participate in the illicit trade. By highlighting how these policies have negatively

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<sup>1135</sup> United Nations Office on Drugs and Crime (UNODC), *World Drug Report 2012*, (Vienna: UNODC 2012), p. 15.

impacted human and national security, this section aims to question whether reliance on the 'drugs as a threat' discourse as the basis for the securitizations can benefit the referent objects of humankind, society and the state.

## 2.1. Russia's 'war on drugs'

Russia's 'war on drugs' encompassed both domestic and international aspects of the 'drug threat' as it focussed on domestic drug use and the international trade that supplies it. In this way, it was similar to the securitization carried out by the Reagan administration (see Chapter Five). After the collapse of the Soviet Union, Russia saw a huge explosion of drug use and related negative health impacts. The Russian Ministry of Health estimated that drug use rose by 400% between 1992 and 2002.<sup>1136</sup> Whilst Russia experimented with decriminalisation of drug possession in the early 2000s, by 2006 this policy had been overturned in favour of a return to criminal sanctions and a refusal to support harm reduction methods such as NSPs and OSTs.<sup>1137</sup> OSTs were banned in 1997 because it was argued that they simply replaced one addiction with another.<sup>1138</sup> By contrast, until 2009 NSPs had been prevalent across Russia, funded largely by international organisations such as the Global Fund. When this external money was withdrawn, the Russian government refused to replace it and therefore access to these programmes has become severely limited.<sup>1139</sup> These restrictions on OSTs and NSPs have caused a huge increase in HIV infections amongst injecting drug users, who it is estimated account for 80% of all those newly infected with the virus.<sup>1140</sup> In 2013, the Russian administration changed the law to allow courts to sentence drug users to compulsory drug treatment<sup>1141</sup> despite this being widely

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<sup>1136</sup> Jarrett Zigon, 'Russia's Heroin Epidemic: Why the Government is Ducking the Issue', *Open Democracy*, February 2011 [online]. Available from: <<https://www.opendemocracy.net/od-russia/jarrett-zigon/russia%E2%80%99s-heroin-epidemic-why-government-is-ducking-issue>> (accessed 04.04.11).

<sup>1137</sup> Alexander Marshall, *From Drug War to Culture War: Russia's Growing Role in the Global Drug Debate*, Policy Brief 5, (Swansea: Global Drug Policy Observatory, 2014), p. 7.

<sup>1138</sup> Marshall, pp. 7-8; Ryan Hoskins, 'Russia's Silent HIV Epidemic', *Foreign Policy*, 22<sup>nd</sup> November 2016 [online]. Available from: <<http://foreignpolicy.com/2016/11/22/russias-silent-hiv-epidemic-fskn-krokodil-aids-public-health-putin/>> (accessed 11/12/17).

<sup>1139</sup> Hoskins, [online].

<sup>1140</sup> Marshall, p. 6.

<sup>1141</sup> Marshall, p. 9.

criticised as undermining human rights.<sup>1142</sup> As well as exacerbating the HIV/AIDS crisis in Russia, the Putin administration's policies have increased the marginalisation of drug users and those attempting to provide support to such people.<sup>1143</sup> A vast amount of the heroin entering Russia comes from Afghanistan: data from 2008 suggests that 21% of global illicit opiates end up in the Russian Federation.<sup>1144</sup> This led the Russian government to turn its attention to the opium production, particularly in Afghanistan. In 2010 the Russian government launched its 'Rainbow-2 Plan' that identified Afghan opium as a threat to "global peace and security".<sup>1145</sup> From a domestic perspective, 'Rainbow-2' should be seen as an attempt to blame external forces - in this case, Afghan opium production - for internal problems such as the rise in heroin use and HIV infections in Russia.<sup>1146</sup> At the international level however, 'Rainbow-2' called for NATO forces to carry out poppy eradication in Afghanistan despite this policy having been rejected by the Afghan government, the UK and the US as being counter-productive to the long term goal of improving security and governance in the country.<sup>1147</sup> Whilst 'Rainbow-2' failed at the international level to persuade the International Security Assistance Force (ISAF) in Afghanistan to prioritise eradication strategies, at the domestic level Russia's securitization of drugs has been widely accepted.<sup>1148</sup>

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<sup>1142</sup> D. Werb, A. Kamarulzaman, M.C. Meacham, C. Rafful, B. Fischer, S.A. Strathdee, E. Wood, 'The Effectiveness of Compulsory Drug Treatment: A Systematic Review', *International Journal of Drug Policy*, Vol. 28, 2016, p. 1.

<sup>1143</sup> Hoskins, [online].

<sup>1144</sup> Matthew C. DuPee and Sara Kauffman, 'In Afghanistan, Poppy Eradication Pits Russia vs. NATO', *World Politics Review*, April 2010 [online]. Available from: <<http://www.worldpoliticsreview.com/articles/5435/in-afghanistan-poppy-eradication-pits-russia-vs-nato>> (accessed 30/08/11).

<sup>1145</sup> Russian Federation, *Russia's Plan «Rainbow-2» for the Elimination of Afghan Drug Production*, (Vienna: United Nations Office on Drugs and Crime, 2010), p. 1.

<sup>1146</sup> Crick, 'Drugs as an Existential Threat', p. 412.

<sup>1147</sup> Matthew DuPee, 'Afghanistan's Other Narcotics Nightmare', *World Politics Review*, October 2009 [online]. Available from: <<http://www.worldpoliticsreview.com/articles/4393/afghanistans-other-narcotics-nightmare>> (accessed 30/08/11).

<sup>1148</sup> Crick, 'Drugs as an Existential Threat', p. 412.



## 2.2. Mexico's 'war on drug cartels'

Corruption had long been a problem in Mexico and the older drug cartels – such as the Sinaloa cartel – built close associations with the political classes and law enforcement agencies.<sup>1149</sup> The escape – twice – of 'El Chapo' Guzman of the Sinaloa cartel from prison in Mexico is illustrative of this corruption.<sup>1150</sup> The newer cartels – such as Los Zetas – preferred to use violence rather than corruption to establish their role in the drug trade.<sup>1151</sup> In 2006 Mexico's president Felipe Calderon launched a 'war on drugs' targeting the drug cartels. The aim was to decapitate the cartels by imprisoning or assassinating their leaders and therefore reduce their capacity to operate in the country.<sup>1152</sup> However, a side-effect of this strategy was a huge increase in violence as the cartels fractured and fought amongst themselves to gain control over the trade.<sup>1153</sup> It is estimated that since the 'war on drugs' was launched up to 200,000 people have been killed in drug-related violence in Mexico.<sup>1154</sup> Not only has there been a sharp increase in conflict since the 'war on drugs' began, but the violence has become increasingly brutal as perpetrators attempt to intimidate opponents and the general public.<sup>1155</sup> In response to the violence carried out by the drug cartels, local community defence groups have been formed. Known as the 'autodefensa', they have further contributed to the rising death toll and human rights abuses.<sup>1156</sup> The 'war on drug cartels' has not only caused rising levels of violence, but it has also created a culture of impunity where crimes are not solved, or perpetrators punished. An example of this is the 2014 murder of 43 students in the southern state of Guerrero for which no one has been

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<sup>1149</sup> Vanda Felbab-Brown, 'Hooked: Mexico's Violence and U.S. Demand for Drugs', *Brookings* [online], 30<sup>th</sup> May 2017. Available from: < <https://www.brookings.edu/blog/order-from-chaos/2017/05/30/hooked-mexicos-violence-and-u-s-demand-for-drugs/> > (accessed 11/12/17).

<sup>1150</sup> BBC News, 'Guzman escape: Seven Mexico prison officers charged', *BBC News*, 18<sup>th</sup> July 2015 [online]. Available from: <<http://www.bbc.co.uk/news/world-latin-america-33578727>> (accessed 24/07/15).

<sup>1151</sup> Felbab-Brown, 'Hooked' [online]; Brianna Lee and Danielle Renwick, 'Mexico's Drug War', *Council on Foreign Relations*, May 2017 [online]. Available from: < <https://www.cfr.org/background/mexicos-drug-war> > (accessed 11/12/17).

<sup>1152</sup> Danny Kushlick, Emily Crick and Nicky Saunter, *Count the Cost of the War on Drugs: Undermining Peace and Security*, (Bristol: Transform Drug Policy Foundation, 2016), p. 9.

<sup>1153</sup> Lee and Renwick, 2017.

<sup>1154</sup> Global Security.org, 'The Mexican Drug War', *Global Security.org*, 15<sup>th</sup> December 2016 [online]. Available from: <<http://www.globalsecurity.org/military/world/war/mexican-drug-war.htm>> (accessed 07/06/17).

<sup>1155</sup> Kushlick et al., 2016, p. 9.

<sup>1156</sup> Lee and Renwick, 2017.

held accountable despite wide-spread evidence of complicity by the local police force.<sup>1157</sup> In Mexico, drug cartels were identified as a threat to the state but the ‘kingpin’ strategy as it was known, has only escalated the violence whilst at the same time failing to reduce the amount of drugs flowing through the country to the US.<sup>1158</sup>

### 2.3. The Philippine ‘war on drug users’

Philippine President Rodrigo Duterte was elected in 2016 on a platform of law and order and during his campaign he particularly identified drug users as a threat to society.<sup>1159</sup> Duterte argued that drug users and dealers were hindering economic and social development in the country, and that they needed to be eliminated.<sup>1160</sup> He has openly supported ‘death squads’, actively encouraged the general public to kill drug users and refused to criticise the Philippine National Police despite claims that they have carried out extra-judicial killings.<sup>1161</sup> This has led to fears that there is a culture of impunity operating in the Philippines today.<sup>1162</sup> The bodies of those killed are often left in public spaces and identified as drug users and dealers by signs attached to them; this contributes to the dehumanisation

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<sup>1157</sup> Ryan Devereaux, ‘Three Years After 43 Students Disappeared in Mexico, a New Visualization Reveals the Cracks in the Government’s Story’, *The Intercept*, 7th September 2017 [online]. Available from: < <https://theintercept.com/2017/09/07/three-years-after-43-students-disappeared-in-mexico-a-new-visualization-reveals-the-cracks-in-the-governments-story/> > (accessed 12/12/17); Tracy Wilkinson, ‘New Report Raises Chilling Possibility That Mystery of 43 Mexican Students’ Disappearance Will Never Be Solved’, *Los Angeles Times*, 25<sup>th</sup> April 2016 [online]. Available from: < <http://www.latimes.com/world/mexico-americas/la-fg-mexico-students-20160425-story.html> > (accessed 12/12/17).

<sup>1158</sup> Clare Ribando Seelke and Kristin Finklea, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, Congressional Research Service (CRS) Report for Congress, (Washington D.C.: CRS, June 2017), pp. 1-3.

<sup>1159</sup> Dahlia Simangan, ‘Is the Philippine “War on Drugs” an Act of Genocide?’, *Journal of Genocide Research*, published online October 2017 [online]. Available from: < <http://www.tandfonline.com/doi/full/10.1080/14623528.2017.1379939> > (accessed 11/12/17).

<sup>1160</sup> Michelle Xu and John Gershman, ‘Human Rights and Duterte’s War on Drugs’, *Council of Foreign Relations*, December 2016 [online]. Available from: < <https://www.cfr.org/interview/human-rights-and-dutertes-war-drugs> > (accessed 11/12/17).

<sup>1161</sup> Xu and Gershman, 2016; Simangan, p. 12.

<sup>1162</sup> Reuters Staff, ‘Ex-Philippine Leader Ramos Concerned About Impunity, Duterte “Unilateralism”’, *Reuters*, 13<sup>th</sup> February 2017 [online]. Available from: < <https://www.reuters.com/article/us-philippines-politics-ramos/ex-philippine-leader-ramos-concerned-about-impunity-duterte-unilateralism-idUSKBN15S0BP> > (accessed 11/12/17).

and ‘othering’ of such people.<sup>1163</sup> Furthermore, Duterte publicly proclaimed his desire to have drug users and dealers wiped out. In a press interview Duterte referenced Adolf Hitler’s extermination of Jewish people and then stated that “There are 3 million drug addicts [in the Philippines]. I’d be happy to slaughter them.”<sup>1164</sup> It has been estimated that between June 2016 when Duterte came to power and April 2017, over 7000 people have been killed in the ‘war against drug users’.<sup>1165</sup> Despite international criticism and a threat to take him to the International Criminal Court, Duterte seems unrepentant and the general public continue to overwhelmingly support the policies.<sup>1166</sup>

These examples illustrate some of the more extreme policies carried out in order to protect citizens, society and the state from the threat posed by drugs. In each case drug users, dealers or traffickers have been identified as threatening but the practices that have been put in place to mitigate these threats have had far reaching negative consequences, suggesting that these securitizations have undermined, rather than protected the referent object(s). For example, rising HIV infections, spiralling violence and a culture of impunity, as well as exacerbating human rights abuses, inequality and marginalisation. What follows next in this chapter is analysis of practices that deviate from the ‘drugs as a threat’ discourse, and in some cases the prohibition paradigm as well, in the name of improving the health and welfare of drug users and the wider general public.

### **3. Harm reduction: the medical and social control of drug users**

Whereas the examples cited above serve as illustrations of a further embedding of the ‘drugs as threat’ discourse in different national contexts, the following sections seek to identify and analyse a range of policies that operate outside of the ‘drugs as a threat’ narrative. Instead these policies attempt to mitigate some of the negative impacts of illicit drug use such as the spread of blood-borne viruses and overdoses. Three of the most commonly recognised forms of harm reduction for problematic drug users are needle and syringe exchange programmes (NSPs), substance maintenance, most commonly

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<sup>1163</sup> Simangan, pp. 10-11.

<sup>1164</sup> Karen Lema and Manuel Mogato, ‘Philippines’ Duterte Likens Himself to Hitler, Wants to Kill Millions of Drug Users’, *Reuters*, 30<sup>th</sup> September 2016 [online]. Available from: < <https://uk.reuters.com/article/uk-philippines-duterte-hitler/philippines-duterte-likens-himself-to-hitler-wants-to-kill-millions-of-drug-users-idUKKCN1200BD> > (accessed 11/12/17).

<sup>1165</sup> Simangan, p. 2.

<sup>1166</sup> Simangan, p. 3; Xu and Gershman, 2016.

opiate substitution therapy (OST) and drug consumption rooms (DCRs).<sup>1167</sup> Whilst maintenance therapies are allowed under the Single Convention,<sup>1168</sup> and currently the INCB and UNODC recognise the importance of harm reduction methods, this has not always been the case. The INCB initially argued that such methods encouraged people to use drugs and were therefore in contravention of the conventions, whereas the United Nations Drug Control Programme (UNDCP, the pre-cursor to the UNODC) recognised the utility of such practices as a facet of drugs treatment. These tensions were exemplified by contrasting statements issuing from the INCB and a section of the UNDCP in 2002. Philip Emafo, the head of the INCB argued that supporters of harm reduction were on a ‘crusade’ and he believed that

to promote drug use illicitly through the giving out of needles or through providing rooms for drug abusers to inject themselves without supervision of medical practitioners would, to me, amount to inciting people to abuse drugs, which would be contrary to the provisions of the conventions.<sup>1169</sup>

However, a document by the Legal Affairs section of the UNDCP recognised that harm reduction methods were a way to “alleviate the human suffering associated with drug abuse”.<sup>1170</sup> The disagreement over harm reduction continues to exist today. At the United Nations General Assembly Special Session on Drugs (UNGASS) held in April 2016, although the discussion document drafted at the preceding Commission on Narcotic Drugs (CND) meetings recognised the importance of harm reduction methods,<sup>1171</sup> the Political Declaration that was agreed at the meeting failed to reference

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<sup>1167</sup> Legal Affairs Section, United Nations Drug Control Programme (UNDCP), *Flexibility of Treaty Provisions as Regards Harm Reduction Approaches*, E/INCB/2002/W.13/SS.5 (Vienna: International Narcotics Control Board, 30th September 2002), p. 3.

<sup>1168</sup> The Commentary to the 1961 Single Convention on Narcotic Drugs recognises that the term “medical purposes” can be interpreted differently in different countries but notes that it can apply to maintenance in order to “alleviate suffering during withdrawal treatment... [or] to enable them to lead a normal life”. See, United Nations, *Commentary on the Single on Narcotic Drugs 1961*, E.73.XI.1, p. 111.

<sup>1169</sup> Interview with Philip Emafo, quoted in Buxton, *The Political Economy of Narcotic Drugs*, p. 162.

<sup>1170</sup> Legal Affairs Section UNDCP, *Flexibility of Treaty Provisions*, 2002, p. 3.

<sup>1171</sup> International Drug Policy Consortium (IDPC), *New Approaches on Harm Reduction with a Look at UNGASS 2016: Conference Room Paper 59th Session of the Commission on Narcotic Drugs*, (London: IDPC, 2016), pp. 1-5.

these approaches explicitly.<sup>1172</sup> It has been argued that this was due to pressure from countries still committed to the ‘drugs as a threat’ discourse.<sup>1173</sup> As has been shown earlier in this thesis (Chapters Three and Four), some countries have tended to perceive the drug problem more as a medical issue than a criminal justice one, in contrast to prohibition-minded states.<sup>1174</sup> That is not to say that these countries do not apply criminal sanctions to those involved in the drugs trade, but they combine criminal justice policies alongside maintenance systems and other harm reduction methods for dependant drug users. As will be seen below, these programmes aimed to improve the health and welfare of problematic drug users and gradually reintegrate them back into society, as well as enhance safety for all citizens in public spaces. Harm reduction programmes offer alternative forms of control to criminalisation, and as such, they continue to operate within the drug control *dispositif* (see Table 1 the Drug Control *Dispositif*, p. 18). Indeed, a number of scholars have noted that treatment is still a form of control, and that methadone maintenance can often require burdensome restrictions to be placed on dependent users.<sup>1175</sup>

### 3.1. Needle and syringe exchange programmes (NSPs)

In the 1980s, it became recognised that HIV infections were rising rapidly amongst drug injecting populations in European cities and so various organisations started to distribute clean needles to injecting drug users (IDUs) as a way of mitigating this problem.<sup>1176</sup> Growing awareness of HIV led some governments to reframe their priorities. The British government’s Advisory Council of the Misuse of Drugs (ACMD) produced a report in 1988 on AIDS and Drugs Misuse which stated that “the spread of

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<sup>1172</sup> United Nations Office on Drug and Crime (UNODC), *Our joint commitment to effectively addressing and countering the world drug problem: Resolution adopted by the General Assembly on 19 April 2016, A/RES/S-30/1*, (New York: United Nations, 2016), pp. 1-21.

<sup>1173</sup> Fordham and Jelsma, [online].

<sup>1174</sup> The Netherlands and the UK’s ‘British System’ are prime examples of this. See, Strang and Gossop, p. 1; Korf et al., p. 473.

<sup>1175</sup> Lart, p. 49; Helen Keane, ‘Foucault on Methadone: Beyond Biopower’, *International Journal of Drug Policy*, Vol. 20, 2009, pp. 450-452.

<sup>1176</sup> Catherine Cook, Jamie Bridge and Gerry V. Stimson, ‘The Diffusion of Harm Reduction in Europe and Beyond’ in *Harm Reduction: Evidence, Impacts and Challenges*, ed. by Tim Rhodes and Dagmar Hedrich, European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) Monographs, (Luxembourg: Publications Office of the European Union, 2010), p. 39.

HIV is a greater danger to individual and public health than drug misuse”.<sup>1177</sup> Therefore, the British government allowed organisations to experiment with distributing clean needles and syringes to those in need. However, this was accompanied by the US-style ‘Just Say No’ education campaign targeting heroin use.<sup>1178</sup> Some other countries with high levels of injecting drug use also instituted NSPs, such as the Netherlands, Germany, Switzerland and Australia.<sup>1179</sup> For these countries, preventing the spread of HIV and other infectious diseases, became more important than eliminating illicit drug use itself.

By the 1990s, there was growing evidence that the distribution of clean needles slowed down the rate of new HIV infections amongst IDUs.<sup>1180</sup> As a result of engaging with IDUs through needle exchange programmes, service providers were also able to gain access to previously marginalised populations.<sup>1181</sup> The combination of improved outreach programmes and a desire to move users away from the riskiest behaviours such as sharing needles, also contributed to opiate substitution therapies to becoming accepted practice as will be seen below.<sup>1182</sup> Initially these harm reduction methods were strongly criticised by the INCB, CND and the UNDCP for being antithetical to the ‘spirit of the conventions’ even if they were not directly in contravention of the conventions.<sup>1183</sup> The US also took a strong stance against these harm reduction methods under President Reagan and instituted a federal ban on funding for needle and syringe exchange programmes in that was only lifted under President Obama.<sup>1184</sup> Whilst the NSPs sit within the prohibition system because illicit drug use it still

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<sup>1177</sup> Quoted in Duncan Raistrick, ‘Report of Advisory Council on the Misuse of Drugs: AIDS and Drug Misuse Update’, *Addiction*, Vol. 89: 10, 1994, p. 1211.

<sup>1178</sup> The British government’s first major drug education programme in the 1980s centred on the ‘heroin screws you up’ campaign. See, Harry Shapiro, ‘Dances with Drugs: Pop Music, Drugs and Youth Culture’, in *Drugs: Cultures, controls and Everyday Life*, ed. by Nigel South, (London: Sage Publications, 2000), p. 25. Anti-drug storylines were also incorporated into television programmes such as the children’s programme Grange Hill. The Grange Hill cast went on to record a pop song called ‘Just Say No’ and were invited to meet Nancy and Ronald Reagan at the White House.

<sup>1179</sup> Cook et al. p. 37.

<sup>1180</sup> World Health Organization (WHO), *Evidence for Action Technical Papers Effectiveness of Sterile Needle and Syringe Programming in Reducing HIV/AIDS Among Injecting Drug Users*, (Geneva: WHO, 2004), p. 5.

<sup>1181</sup> Cook et al., p. 39.

<sup>1182</sup> Cook et al., p. 40.

<sup>1183</sup> Buxton, *The Political Economy of Narcotic Drugs*, pp. 161-162.

<sup>1184</sup> Buxton, *The Political Economy of Narcotic Drugs*, p. 161; Office of National Drug Control Policy (ONDCP), *Federal Funding Ban on Needle Exchange Programs*, The White House, President Barack Obama, January

banned, they directly challenge the ‘drugs as a threat’ discourse because they place the emphasis on other problems such as the spread of HIV and the marginalisation and stigmatisation of drug users. Yet these practices still continue to function within the drug control *dispositif* through medico-social forms of control: instead of police officers enforcing control, it is social workers, psychologists, medical professionals and other NGO bodies that do so by engaging with problematic drug users and attempting to reintegrate them into society.

### **3.2. Opiate substitution therapies (OSTs)**

Alongside NSPs, some countries, particularly in Europe, have instituted opiate substitution therapies (OSTs). Whilst the ‘British System’ (see Chapter Three) has always included drug maintenance within its remit, in other countries the introduction of OSTs has been more recent. Analysis of the Swiss experience illustrates the shift from an abstinence, strictly prohibitionist-based approach to the use of OSTs as a response to public concerns about open air drug use and associated public nuisance, property crime and the marginalisation of problematic drug users.

#### *The Swiss experience: from ‘needle park’ to heroin prescription*

In the 1970s the federal government of Switzerland was focussed on abstinence and in 1975 they enacted a law that banned the distribution of syringes as a public health measure as well as making the prescription of methadone much harder for doctors.<sup>1185</sup> However, despite this, heroin users continued to inject and became a noticeable social phenomenon.<sup>1186</sup> By the 1980s Switzerland had the highest prevalence of HIV amongst injecting drug users in Western Europe<sup>1187</sup> and therefore the authorities felt that they needed to address the situation in some way. In 1987 the authorities in Zurich decided to allow drug users to congregate in Platzspitz park near the central train station, which became known as ‘needle park’.<sup>1188</sup> Medical and social professionals were then allowed to work with users in the park, distributing clean needles and providing support and health advice.<sup>1189</sup> However, in

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2012 [online]. Available from: <<https://obamawhitehouse.archives.gov/blog/2012/01/05/federal-funding-ban-needle-exchange-programs>> (accessed 09/04/2017).

<sup>1185</sup> Joanne Csete, *From the Mountaintops: What the World Can Learn from Drug Policy Change in Switzerland*, Lessons for Drug Policy Series, (New York: Open Society Foundations, 2010), p. 13.

<sup>1186</sup> Csete, p. 13.

<sup>1187</sup> Csete, p. 17.

<sup>1188</sup> Csete, p. 14.

<sup>1189</sup> Csete, p. 14.

1992 the Zurich authorities closed ‘needle park’, in part due to the fact that many of the visitors to Platszpitz were not from Zurich, and came into the city specifically to use the park.<sup>1190</sup> In response to the closure of the park, the authorities established drop-in centres for users but these made little difference to the visibility of IDUs who began to congregate in another park in the city.<sup>1191</sup> The shifting nature of the open air drug markets, along with calls from medical and social professionals to provide easier access to treatment and support for drug users, changed the national debate around how drug users were treated.<sup>1192</sup> In 1992, the Swiss federal government passed a new law allowing NSPs and the prescription of heroin and methadone for problematic drug users (OSTs).<sup>1193</sup> Once enrolled into an OST programme, the participant was also given support finding housing and employment in order to reduce their marginalisation.<sup>1194</sup> This change in policy to allow OST was aimed at reducing public drug use and the crime and nuisance, such as drug litter, that accompanies it. It was also concerned with re-engaging problematic drug users with the health and social systems<sup>1195</sup> in order to reintegrate them into society.<sup>1196</sup> The Swiss experience of OST therefore established a medical and social system for the control of problematic heroin drug users as opposed to a criminal one. The narrative changed from a ‘drugs as a threat’ discourse to one that focussed on other problems related to illicit drug use including public drug use, the marginalisation of users and the spread of HIV. The Swiss experience can therefore be seen as a form of desecuritization as drug policy was moved back into the realm of normal public policy making and practices that had been banned or heavily restricted, such as NSPs and OSTs, became accepted tools to deal with the ‘drug problem’.

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<sup>1190</sup> Csete, p. 15.

<sup>1191</sup> Csete, p. 15.

<sup>1192</sup> Martin Killias and Marcelo F. Aebi, ‘The Impact of Heroin Prescription on Heroin Markets in Switzerland’, *Crime Prevention Studies*, Vol. 11, 2000, p. 84.

<sup>1193</sup> Wim Weber, ‘Heroin Prescription for Addicts in Switzerland Improves Quality of Life’, *The Lancet*, Vol. 356, 30<sup>th</sup> September 2000, p. 1177.

<sup>1194</sup> Weber, p. 1177.

<sup>1195</sup> Csete, p. 19.

<sup>1196</sup> Benedikt Fischer, Eugenia Oviedo-Joekes, Peter Blanken, Christian Haasen, Jurgen Rehm, Martin T. Schechter, John Strang, and Wim van den Brink, ‘Heroin-assisted Treatment (HAT) a Decade Later: A Brief Update on Science and Politics’, *Journal of Urban Health: Bulletin of the New York Academy of Medicine*, Vol. 84: 4, 2007, p. 558.



### 3.3. Drug consumption rooms (DCRs)

Drug consumption rooms (DCRs) have been defined as “legally sanctioned and supervised facilities to reduce the health and public order problems associated with illegal... drug use”.<sup>1197</sup> The aim of these facilities is to address public health and disorder issues associated with large scale public drug use, such as reducing overdoses; reducing public nuisance e.g. discarded needles and syringes, public injecting and visible drug dealing; reducing infections of blood-borne viruses; and improving access to health and welfare services.<sup>1198</sup> DCRs were first established in the Netherlands in the 1970s and were then introduced into Switzerland in 1986 and Germany in 1994 and have since spread more widely.<sup>1199</sup> In order to improve the health and welfare of problematic drug users, they were staffed by both medical professionals and social workers<sup>1200</sup> who offered a range of services beyond simply a safe space to use drugs. These included showers, laundries, food, legal services and referrals to housing and employment support.<sup>1201</sup> In Europe, law enforcement and local government officials gave their support to the DCRs.<sup>1202</sup> However this has not been the case in North America. The Insite DCR in Vancouver, Canada, opened in 2003 but its legal status remained precarious because it was only granted short term, although regularly extended, support from the police and local government.<sup>1203</sup> The federal government under Stephen Harper objected to Insite, arguing that “We as a government will not use taxpayers’ money to fund drug use” and attempted to have it closed down.<sup>1204</sup> This argument, just like INCB’s stance against NSPs and DCRs in 2002, attempted to portray harm reduction practices as encouraging drug use rather than as an attempt to deal with the harms associated with illicit drug use. As such it is commonly used to undermine support for practices that deviate from the

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<sup>1197</sup> W. Schneider and H. Stover, ‘Guidelines for the Operation and Use of Consumption Rooms’, as quoted in Kate Dolan, Jo Kimber, Craig Fry, John Fitzgerald, David McDonald, Franz Trautmann, ‘Drug Consumption Facilities in Europe and the Establishment of Supervised Injecting Facilities in Australia’, *Drug and Alcohol Review*, Vol. 19, 2000, p. 337.

<sup>1198</sup> Jo Kimber, Kate Dolan and Alex Wodak, ‘Survey of Drug Consumption Rooms: Service Delivery and Perceived Public Health and Amenity Impact’, *Drug and Alcohol Review*, Vol. 24, 2005, p. 21; Dolan et al., p. 338.

<sup>1199</sup> Dolan et al., p. 338.

<sup>1200</sup> Dolan et al., pp. 338-340.

<sup>1201</sup> Dolan et al., pp. 338-340.

<sup>1202</sup> Dolan et al., pp. 338-340.

<sup>1203</sup> Jamie Graham, ‘Supervised Injection Sites— a View from Law Enforcement’, *BC Medical Journal*, Vol. 50: 3, April 2008, p. 132.

<sup>1204</sup> Neil Boyd, ‘Lessons From INSITE, Vancouver’s Supervised Injection Facility: 2003–2012’, *Drugs: Education, Prevention and Policy*, Vol. 20:3, 2013, p. 236.

‘drugs as a threat’ discourse. However, in 2011 the Canadian Supreme Court struck down the proposed, stating that

the effect of denying the services of Insite to the population it serves and the correlative increase in the risk of death and disease to injection drug users is grossly disproportionate to any benefit that Canada might derive from presenting a uniform stance on the possession of narcotics.<sup>1205</sup>

Most of the European DRCs operate under strict guidelines whereby visitors must show proof of age – most DRCs only provide services to those over the age of 18 – and sometimes proof of residency in the area. The users must also already have a history of problematic use and injecting. Furthermore, no drug dealing is allowed on the premises and staff are not allowed to help the user inject, although they are on-hand to provide medical support should the user overdose.<sup>1206</sup> Whilst the DCRs can be seen as a challenge to the ‘drugs as a threat’ discourse because they fail to prevent illicit drug use, they clearly function as a part of the drug control *dispositif*. They aim to re-engage marginalised drug users with medical and social services in order to reintegrate them back into society and improve their health and welfare.

The success of the needle and syringe exchange programmes and opium substitution therapies in preventing the spread of blood-borne viruses (HIV/AIDS as well as Hepatitis C) has a strong evidence-base and over time these practices have become accepted by many of the UN agencies, initially the World Health Organisation (WHO) and UNAIDS, but more recently the INCB and UNODC.<sup>1207</sup> These harm reduction policies operate as medico-social modes of control within the drug control *dispositif*, but they still function largely within the prohibition framework because drug use is still illegal. However, these policies do challenge to ‘drug-free world’ and ‘drugs as a threat’ discourses because they fail to oppose illicit drug use. Harm reduction policies such as NSPs, OSTs and DCRs are still a form of drug control. In order to access the NSPs or OSTs, the user must engage with various service providers whether NGOs handing out clean needles and syringes or medical, pharmaceutical practitioners and social workers who are allowed to prescribe these substances as well as providing

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<sup>1205</sup> Canadian Supreme Court ruling, quoted in Kirk Makin, Sunny Dhillon and Ingrid Peritz, ‘Supreme Court ruling opens doors to drug injection clinics across Canada’, *The Globe and Mail*, Friday, 30th September 2011 [online]. Available from: <<https://www.theglobeandmail.com/news/british-columbia/supreme-court-ruling-opens-doors-to-drug-injection-clinics-across-canada/article4182250/>> (accessed on 27/04/17).

<sup>1206</sup> Dolan et al., pp. 338-340; Kimber et al., p. 22.

<sup>1207</sup> Cook et al., pp. 42-43.

access to education, employment and housing support. DCRs also provide access to support structures. Rather than focussing on illicit drug use as a threat however, these practices concern themselves with the marginalisation of users and health and public nuisance problem.

### **3.4. Harm reduction for drug producers and dealers**

As mentioned in the introduction to this chapter, there are only a few instances of harm reduction applied to the production, manufacturing and sales of drugs. Alternative development programmes that support opium and coca producers to grow substitute crops have been applied to producer countries, but these sit firmly within the prohibitionist system and the 'drugs as a threat' discourse.<sup>1208</sup> There have been occasional instances when drug eradication has been downgraded as a priority in favour of other objectives. An example of this was US policy in Afghanistan from 2009 onwards where counter-insurgency objectives took precedence over counter-narcotics operations because it was felt that destroying impoverished farmers' crops could lead them to support the Taliban.<sup>1209</sup> This policy did little to challenge the 'drugs as a threat' narrative and was sharply criticised by the Russian government.<sup>1210</sup>

More of a challenge to the 'drugs as a threat' discourse was Bolivia's approach to coca growing where the coca leaf is used in a wide range of products from flour to toothpaste.<sup>1211</sup> In 2011, Evo Morales, a former coca grower and president of Bolivia since 2006<sup>1212</sup> argued that the country should withdraw from the Single Convention and then re-accede with a reservation that coca growing was legitimate

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<sup>1208</sup> Julia Buxton, *Drugs and Development: The Great Disconnect*, Policy Report 2, (Swansea: Global Drug Policy Observatory, January 2015), pp. 6-7.

<sup>1209</sup> Vanda Felbab-Brown, 'Target the Drug Lords in Afghanistan, Not the Farmers', Brookings, 15th July 2009 [online]. Available from: < <https://www.brookings.edu/opinions/target-the-drug-lords-in-afghanistan-not-the-farmers/> > (accessed 04/09/17).

<sup>1210</sup> Crick, 'Drugs as an Existential Threat', pp. 411-412.

<sup>1211</sup> Sara Shahriari, 'Coca Toothpaste? Bolivia Tries to Drum up Demand for 'Legal' Coca Products', *CS Monitor*, 3<sup>rd</sup> June 2013 [online]. Available from: < <https://www.csmonitor.com/World/Americas/2013/0603/Coca-toothpaste-Bolivia-tries-to-drum-up-demand-for-legal-coca-products> > (accessed 07/12/17).

<sup>1212</sup> Joanne Csete, Adeeba Kamarulzaman, Michel Kazatchkine, Frederick Altice, Marek Balicki, Julia Buxton, Javier Cepeda, Megan Comfort, Eric Goosby, João Goulão, Carl Hart, Thomas Kerr, Alejandro Madrazo Lajous, Stephen Lewis, Natasha Martin, Daniel Mejía, Adriana Camacho, David Mathieson, Isidore Obot, Adeolu Ogunrombi, Susan Sherman, Jack Stone, Nandini Vallath, Peter Vickerman, Tomáš Zábanský, Chris Beyrer, 'Public Health and International Drug Policy', *The Lancet Commissions*, Volume 387, No. 10026, 2<sup>nd</sup> April 2016, p. 1467.

as long as it was for licit purposes.<sup>1213</sup> It was argued that this reservation was necessary in order for Bolivia's international obligations to be compatible with their new constitution and the United Nations Declaration on the Rights of Indigenous Peoples.<sup>1214</sup> Whilst they followed the process laid out in the Single Convention, Bolivia received condemnation from a wide range of sources including the INCB who argued that this action was against the "spirit of the convention".<sup>1215</sup> Furthermore, the US attempted to create a coalition of countries to block Bolivia's re-accession to the treaty although they failed to gain the requisite number of opponents.<sup>1216</sup> These objections to Bolivia's reservation were put forward despite the Morales government confirming its commitment limiting the illicit production of coca and the manufacture of cocaine.<sup>1217</sup> This illustrates how the INCB, and some states, see the 'drugs as a threat' discourse as paramount to other concerns.

A few harm reduction programmes have been instituted in relation to violence associated with the illicit drug trade. The first, and most successful, of these was Operation Ceasefire in Boston in the 1990s.<sup>1218</sup> This programme of focussed deterrence aimed to reduce the number of deaths caused by gang violence by targeting law enforcement strategies against the most brutal offenders, rather than all criminal activity.<sup>1219</sup> This practice was highly publicised so that all gang members were aware of the approach and modified their behaviour accordingly.<sup>1220</sup> The strategy was successful in reducing the number of homicides in areas where gangs operated by 66%.<sup>1221</sup> Similar focussed deterrence

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<sup>1213</sup> Sven Pfeiffer, 'Rights of Indigenous Peoples and the International Drug Control Regime: The Case of Traditional Coca Leaf Chewing', *Goettingen Journal of International Law*, Vol. 5: 1, 2013, pp. 303-304.

<sup>1214</sup> Pfeiffer, pp. 292-302.

<sup>1215</sup> International Narcotics Control Board (INCB), *Report for the International Narcotics Controls Board for 2011*, E/INCB/2011/1, (New York: United Nations, 2012), p. 37.

<sup>1216</sup> Tom Blickman, *Objections to Bolivia's Reservation to Allow Coca Chewing in the UN Conventions*, Transnational Institute (TNI) Drugs and Democracy Project, January 2013 [online]. Available from: <https://www.tni.org/en/article/objections-bolivias-reservation-allow-coca-chewing-un-conventions> (accessed 04/09/17); Pfeiffer, p. 305.

<sup>1217</sup> Pfeiffer, p. 304.

<sup>1218</sup> Vanda Felbab-Brown, *Focused Deterrence, Selective Targeting, Drug Trafficking and Organised Crime: Concepts and practicalities*, International Drug Policy Consortium (IDPC) Modernising Drug Law Enforcement Report 2, (London: IDPC, 2013), pp. 5-6.

<sup>1219</sup> Felbab-Brown, *Focused Deterrence*, pp. 5-6.

<sup>1220</sup> Felbab-Brown, *Focused Deterrence*, pp. 5-6.

<sup>1221</sup> Felbab-Brown, *Focused Deterrence*, p. 5.

strategies have been carried out in Brazil with varying degrees of success.<sup>1222</sup> These law enforcement strategies still sit within the prohibition paradigm but the focus on other threats such as youth homicide and violence rather than the drug trade itself. Indeed, gangs that reduce their violence but continue to participate in drug dealing are less likely to be punished than other more violent gangs.<sup>1223</sup> However, these policies are rare and in general drug production, trafficking and dealing are still considered as threats to society and the state and as such, are harshly treated through law enforcement and military operations.

#### **4. Decriminalisation of drug possession for personal use**

The Single Convention requires signatory states to treat drug possession and use as punishable offences<sup>1224</sup> but it does not stipulate what form this punishment must take. The Commentary to the Single Convention states that these punishments may take the form of administrative or penal sanctions.<sup>1225</sup> This allows governments a certain amount of leeway in how they deal with drug possession and use including decriminalisation and depenalisation. Decriminalisation occurs in very different forms in across the world and there are few agreed definitions. The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) defines decriminalisation as the “removal of a conduct or activity from the sphere of criminal law. Prohibition remains the rule, but sanctions for use (and its preparatory acts) no longer fall within the framework of the criminal law ....”<sup>1226</sup>

There are also two types of decriminalisation, *de jure* and *de facto*. These terms have been defined by the UNODC as follows:

De jure decriminalisation is the removal of criminal sanctions with the optional use of civil or administrative sanctions, such as fines or education. De facto decriminalisation (sometimes

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<sup>1222</sup> Vanda Felbab-Brown, *Bringing the State to the Slum: Confronting Organized Crime and Urban Violence in Latin America Lessons for Law Enforcement and Policymakers*, (Washington D.C.: Brookings Institute, 2011), pp. 2-3.

<sup>1223</sup> Felbab-Brown, *Focused Deterrence*, p. 7.

<sup>1224</sup> United Nations, *The Single Convention* p. 16 & p. 32.

<sup>1225</sup> United Nations, *Commentary on the Single on Narcotic Drugs 1961*, E.73.XI.1, pp. 111-112.

<sup>1226</sup> European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), *Illicit Drug Use in the EU: Legislative Approaches: EMCDDA Thematic Papers*, (Lisbon: EMCDDA, 2005), p. 12.

called depenalisation) is the decision in practice or as policy to not apply criminal or administrative penalties for certain offenses.<sup>1227</sup>

The EMCDDA states depenalisation “generally signifies the elimination of custodial penalties. Prohibition remains the rule, but imprisonment is no longer provided for, even if other penal sanctions may be retained (fines, establishment of a police record, or other penal sanctions).”<sup>1228</sup> Unlike moist harm reduction practices, decriminalisation of drug use is concerned with all illicit drugs users rather than just problematic users. Decriminalisation aims to reduce the marginalisation and stigmatisation of illicit drug users by reducing, or eliminating, penal sanctions. In the Dutch case, decriminalisation was also established to create a separation between ‘hard’ and ‘soft’ drug markets as discussed in Chapter Four. Decriminalisation has been carried out in a number of different countries. In some, decriminalisation operates almost as an absence of control, whereas in other countries, medico-social and regulatory systems of control can be seen. Russia in the early 2000s - when possession of drugs was decriminalised, but no extra support services were provided for dependent users<sup>1229</sup> - is an example of this lack of control where the drug control *dispositif* almost disappears. However, the examples discussed below, show how decriminalisation of possession and use can be incorporated into different frameworks of control whether through licensing and taxation, such as the Netherlands’ ‘coffee shop’ system or in conjunction with well-funded treatment, education and social care, such as Portugal. A growing number of countries, and a diverse group of international bodies including the WHO, the Joint United Nations Programme on HIV/AIDS (UNAIDS), The World Bank and International Labour Organization (ILO) for example, have begun to challenge the ‘drugs as a threat’ discourse, arguing that decriminalisation alongside harm reduction practices are needed to improve the “health and welfare of mankind”.<sup>1230</sup>

#### 4.1. The Netherlands ‘coffee shop’ system

As has been mentioned earlier in this thesis (Chapters Three and Four), the Netherlands has tended to see problematic drug use as a medical and social problem rather than a criminal justice one. As

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<sup>1227</sup> United Nations Office on Drugs and Crime (UNODC), *Briefing Paper: Decriminalisation of Drug Use and Possession for Personal Consumption*, October 2015 [online]. Available from:

<[http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/19\\_10\\_11\\_unodcbriefing.pdf](http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/19_10_11_unodcbriefing.pdf)> (accessed 24/03/16).

<sup>1228</sup> EMCDDA, *EMCDDA Thematic Papers*, p. 12.

<sup>1229</sup> Niamh Eastwood, Edward Fox and Ari Rosmarin, *A Quiet Revolution: Drug Decriminalisation Across the Globe*, (London: Release, 2016), pp. 30-31.

<sup>1230</sup> United Nations, *The Single Convention*, p. 11.

with the so-called ‘British System’ (see Chapters Three and Four), Dutch medical professionals were given the power to prescribe drugs to users and their independence to do so was vigorously protected.<sup>1231</sup> Dutch law enforcement professionals also tended to view recreational users with ‘tolerance’ although that was not always the case.<sup>1232</sup> The emphasis on ‘tolerance’ was shaped by concerns that the marginalisation and criminalisation of drug users was damaging to the users and wider society.<sup>1233</sup> Under the 1976 Opium Act, use of drugs is not illegal, however producing and trafficking these substances is prohibited.<sup>1234</sup> During the 1970s, the sale of small amounts of cannabis by ‘house dealers’ was tolerated in private spaces and government subsidised ‘youth clubs’ in order to prevent violence and competition between different suppliers.<sup>1235</sup> In 1979, the Department of Justice released guidelines as to how these ‘house dealers’ and spaces should operate: there was to be no advertising, no ‘hard’ drug sales, no public nuisance, no sales to underage persons and no sales of large amounts.<sup>1236</sup> The toleration of these house dealers led to *de facto* decriminalisation of cannabis and by the 1980s, ‘coffee shops’ began to proliferate in Amsterdam and other big cities as a more formalised version of the ‘house dealer’.<sup>1237</sup> These ‘coffee shops’ are licensed by local government<sup>1238</sup> and pay corporate taxes<sup>1239</sup> and are seen to limit the exposure of cannabis users to ‘hard’ drugs.<sup>1240</sup> However, the ‘coffee shops’ continue to exist within a legal grey area because whilst the proprietors are allowed to sell small amounts of cannabis to consumers, they have no legal access to their supply of the drug and so they are forced to purchase it from illicit traffickers.<sup>1241</sup> The system of ‘tolerance’ and ‘coffee shops’ in the Netherlands was brought about due to a range of different factors: the recognition that drug use was a medical and social issue rather than a criminal justice one, a desire to address the marginalisation and criminalisation of drug users and reintegrate them into society, and a view that the law must only be prosecuted if it is expedient to do so.<sup>1242</sup> With both

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<sup>1231</sup> Korf et al., p. 452.

<sup>1232</sup> Korf et al., p. 452.

<sup>1233</sup> Korf et al., p. 453; Mares, p. 141.

<sup>1234</sup> Korf et al., p. 461.

<sup>1235</sup> Korf et al., p. 464; Spapens et al., p. 194.

<sup>1236</sup> Mares, p. 141; Korf et al., p. 464.

<sup>1237</sup> Korf et al., p. 464; Mares, p. 141.

<sup>1238</sup> Mares p. 141; Spapens et al., p. 196.

<sup>1239</sup> Jean-Paul Grund and Joost Brecksema, *Coffee Shops and Compromise: Separated Illicit Drug Markets in the Netherlands*, Lessons for Drug Policy Series, (New York: Open Society Foundation, 2013), p. 52.

<sup>1240</sup> Grund and Brecksema, p. 4; Korf et al., p. 454.

<sup>1241</sup> Mares, p. 142.

<sup>1242</sup> Korf et al., pp. 462-463.

recreational and problematic use, it was generally thought not to be expedient to prosecute because this could bring about marginalisation, stigmatisation and negative health impacts.<sup>1243</sup>

Neighbouring countries such as France and Germany had long been critical of the Dutch ‘coffee shops’ for encouraging drug tourism and after the Schengen Agreement came into force, there was a concern that this would increase on a large scale.<sup>1244</sup> The US was highly critical of the Dutch approach, portraying the country as a haven for drug tourism and trafficking<sup>1245</sup> and the INCB has also censured the Dutch position with regard to the cannabis ‘coffee shops’. In 1997, they argued that the ‘coffee shops’ were “indirect incitement [to cannabis use, and] ... not in accordance with the spirit or the letter of the international drug control treaties.”<sup>1246</sup> However, the Dutch argue that they are not in contravention of the UN drug control treaties because the Opium Act makes the sale and trafficking of drugs illegal (Article 36 of the Single Convention and Article 3 of the 1988 UN Convention) but that there is nothing in the conventions about the need to enforce these laws.<sup>1247</sup> Furthermore, for the Dutch, the separation of markets for ‘hard’ and ‘soft’ drugs as well as limiting the criminalisation of drug users and the provision of harm reduction for problematic users has been overwhelmingly successful and therefore worth the censure at the international level.<sup>1248</sup> Whilst cannabis is *de facto* decriminalised and ‘coffee shops’ have to purchase their supplies from the illegal market, there is strong local government involvement in the licensing of ‘coffee shops’ including controlling where they are situated, how many are allowed to operate in each locality and what hours they are allowed to open.<sup>1249</sup> Therefore the drug control *dispositif* in the form of regulation and licensing continues to play an important part in the cannabis control in the Netherlands. The Dutch have contested the ‘drugs as a threat’ discourse in relation to cannabis; instead, seeing the criminalisation and marginalisation of drug users as bigger challenges to society.

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<sup>1243</sup> Spapens et al., pp. 197-198.

<sup>1244</sup> Spapens et al., pp. 197-198.

<sup>1245</sup> Ineke Haen Marshall and Henk Van de Bunt, ‘Exporting the Drug War to the Netherlands and Dutch Alternatives’ in *Drug War American Style: The Internationalization of Failed Policy and Its Alternatives*, ed. by Jurg Gerber and Eric L. Jensen, (New York: Garland Publishing, 2001), p. 197.

<sup>1246</sup> International Narcotics Control Board (INCB), *Report of The International Narcotics Control Board for 1997*, E/INCB/1997/1, (New York: United Nations, 1998), p. 6.

<sup>1247</sup> International Drug Policy Consortium (IDPC), *The International Narcotics Control Board: Current Tensions and Options for Reform*, IDPC Briefing Paper 7, (IDCP: February 2008), p. 11.

<sup>1248</sup> Grund and Breeksema, pp. 3-4.

<sup>1249</sup> Spapens et al., p. 198.



## 4.2. Portugal's decriminalisation of drug possession

In the late 1980s and early 1990s, drug use became seen as a huge social problem in Portugal.<sup>1250</sup> Although usage rates of drugs were not especially high compared to other countries, in the minds of the general public, the country had a serious drug problem.<sup>1251</sup> A survey carried out in 1997 showed that the Portuguese general public considered drug use to be the predominant social issue of the day.<sup>1252</sup> The disconnect between public perception and actual rates of use was partially caused by the fact that Portugal did have very high rates of problematic use - especially heroin - and that much of this drug use was carried out in public spaces.<sup>1253</sup> At this time, needle and syringe exchanges programmes were deemed to encourage drug use and were therefore illegal.<sup>1254</sup> Furthermore, whilst the government and other agencies did establish treatment centres, the stigma of being criminalised prevented large scale take up of these provisions.<sup>1255</sup> The combination of growing levels of problematic use, increased public drug use and a rise in public concern about the drug problem led the government to appoint a committee of specialists including doctors, lawyers, social workers and academics, to explore these issues and offer alternative policy recommendations.<sup>1256</sup> The committee proposed that possession and use of all illicit drugs should be formally decriminalised as a way to reduce drug consumption and problematic drug use.<sup>1257</sup> Whilst the aim of decriminalisation was to reduce drug use, it was accompanied by the recognition that a 'drug-free world' was unachievable.<sup>1258</sup> This conclusion reflects the idea that once states move away from the 'drugs as a threat' discourse, the aim of a 'drug-free world' becomes less important, and instead the emphasis is placed on improving the health and welfare of citizens. As with the Swiss experience, Portugal's change in drug policy represents a desecuritization. Drug policy became the responsibility of a range of professionals and open to public scrutiny, practices such as NSPs that had once been banned, were promoted along

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<sup>1250</sup> Artur Domoslawski, *Drug Policy in Portugal: The Benefits of Decriminalizing Drug Use*, Lessons for Drug Policy Series, (New York: Open Society Foundations, 2011), p. 14.

<sup>1251</sup> Domoslawski, p. 14; Hannah Laqueur, 'Uses and Abuses of Drug Decriminalization in Portugal', *Law and Social Inquiry*, Vol. 30: 3, 2015, p. 749.

<sup>1252</sup> Domoslawski, p. 14.

<sup>1253</sup> Domoslawski, p. 15; Laqueur, p. 749.

<sup>1254</sup> Domoslawski, p. 16.

<sup>1255</sup> Domoslawski, p. 16.

<sup>1256</sup> Domoslawski, p. 17.

<sup>1257</sup> Domoslawski, p. 17; Glenn Greenwald, *Drug Decriminalization in Portugal: Lessons for Creating Fair and Successful Drug Policies*, (Washington D.C.: Cato Institute, 2009), p. 10.

<sup>1258</sup> Domoslawski, p. 18.

with public health and social care measures. The focus shifted away from the ‘drugs as a threat’ discourse towards the idea that other side effects of illicit drug use, such as overdoses, increasing HIV infections and public drug use were more damaging to society than the drugs themselves.<sup>1259</sup>

In 2001 the Portuguese government revised the legal code to decriminalise personal drug possession and use. This is an example of *de jure* decriminalisation and Portugal is the one of only two European countries to decriminalise drugs in this way, the Czech Republic being the other.<sup>1260</sup> The law stated that citizens were allowed to be in possession of up to ten days supply of a drug.<sup>1261</sup> The purchasing, consumption and possession of a drug became a civil offence rather than a criminal one.<sup>1262</sup> Drug trafficking however, continued to be a crime and drug users still have to purchase their supply from the illicit market.<sup>1263</sup> The new policy had five key aspects: education and prevention, drug dissuasion commissions, harm reduction measures (including NSPs, OSTs), treatment and reintegration into society.<sup>1264</sup> When drug users are caught by the police their details are taken and if it is their first offence they can be issued with a low level fine or a warning, alternatively these sanctions may be suspended unless they reoffend.<sup>1265</sup> If the person caught by the police is clearly dependent on the substance, or a repeat offender, they are issued with an appointment to attend a drug dissuasion commission, usually within 72 hours of the notice being given, to discuss their drug use and ultimately try to persuade them to enter treatment.<sup>1266</sup> These drug dissuasion commissions are staffed by a three-member team made up of a representative appointed by the Ministry of Justice and two appointed by the Ministry of Health and the government’s drug policy advisor - typically psychologists, addiction specialists, mental health workers and social workers.<sup>1267</sup> The members of the commission will discuss the reasons for a persons’ drug use, their health and social circumstances and any other relevant information; if it seems pertinent, they will also offer advice about treatment options.<sup>1268</sup> The main aim of the dissuasion commissions is the destigmatise drug use and to eliminate the perceived guilt

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<sup>1259</sup> Domoslawski, p. 18.

<sup>1260</sup> Greenwald, p. 2; Release, 2016, p. 20.

<sup>1261</sup> Greenwald, p. 3; Domoslawski, p. 21; Laqueur, p. 752.

<sup>1262</sup> Domoslawski, p. 21; Greenwald, p. 2.

<sup>1263</sup> Laqueur, p. 752.

<sup>1264</sup> Domoslawski, p. 23.

<sup>1265</sup> Greenwald, p. 3; Laqueur, p. 752.

<sup>1266</sup> Greenwald, p. 3; Domoslawski, p. 26.

<sup>1267</sup> Domoslawski, p. 25; Greenwald, p. 4.

<sup>1268</sup> Domoslawski, p. 26.

of being a drug user.<sup>1269</sup> Ultimately, the aim is to improve the users health and reintegrate them back into society through providing support to find accommodation, education and employment.<sup>1270</sup> Alongside the drug dissuasion committees, the government funds outreach programmes that include teams of social workers and psychologists on the streets and in centres who distribute methadone to dependent users, as well as clean needles and syringes and treatment information.<sup>1271</sup> As a result of the decriminalisation policy, there are more, better funded treatment options than ever before and more drug users have entered treatment.<sup>1272</sup> Furthermore, the prevalence of HIV infections amongst injecting drug users has decreased as have drug overdoses.<sup>1273</sup>

As with other alternatives to the prohibition paradigm discussed in this chapter, the drug control *dispositif* remains dominant in Portugal but the ‘drugs as a threat’ discourse is in decline. The Portuguese system of decriminalisation functions within as a medico-social mode of control, although law enforcement plays an important part as well. However, criminalisation is seen as causing greater harm than the use of these substances themselves and therefore is used only as a last resort. Instead, the emphasis is on improving the social and physical capital of the drugs user in order to reintegrate them back into society. Again, as with the harm reduction policies, the INCB initially criticised this innovation.<sup>1274</sup> Over time, however, they have gradually accepted this approach because decriminalisation is legitimate within the UN drug conventions.<sup>1275</sup>

#### **4.3. International health organisations (IHOs) and UN agencies call for decriminalisation**

Since the beginning of the twenty first century, a number of international health organisations (IHOs) and UN agencies have called for drug decriminalisation in order to reduce the stigma associated with

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<sup>1269</sup> Laqueur, p. 768.

<sup>1270</sup> Greenwald, p. 6; Domoslawski, p. 31.

<sup>1271</sup> Domoslawski, p. 29.

<sup>1272</sup> Greenwald, p. 15; Domoslawski, p. 30; Laqueur, p. 768.

<sup>1273</sup> Domoslawski, p. 36; Greenwald, pp. 16-17.

<sup>1274</sup> The 2001 annual report for the INCB suggested that Portugal was not living up to its commitments under the UN drug conventions. See, International Narcotics Control Board (INCB), *Report for the International Narcotics Controls Board for 2001*, E/INCB/2001/1, (New York: United Nations, 2002), p. 74.

<sup>1275</sup> The UNODC World Drug Report for 2009 notes that whilst the INCB “was initially apprehensive when Portugal changed its law in 2001... but after a mission to Portugal in 2004, it noted that... the practice of exempting small quantities of drugs from criminal prosecution is consistent with the international drug control treaties”. United Nations Office on Drugs and Crime (UNODC), *World Drug Report 2009*, (Vienna: UNODC, 2009), footnote 24, p. 183.

illicit drug use and end the human rights abuses that are carried out in the name of prohibitionist drug control. By doing so, these agencies are challenging the 'drugs as a threat' discourse, instead focussing alternative threats such as HIV/AIDS or on the negative impacts of drug prohibition including social exclusion and criminalisation. As such this represents an attempt at desecuritizing drug policy.

In 2010, at the 18<sup>th</sup> International AIDS Conference the 'Vienna Declaration' was launched which called for an end to criminalisation of people who use drugs. It stated that "the criminalisation of illicit drug users is fuelling the HIV epidemic and has resulted in overwhelmingly negative health and social consequences. A full policy reorientation is needed."<sup>1276</sup> In 2012, the International Federation of the Red Cross and Red Crescent Societies argued that drug users needed treatment rather than criminalisation<sup>1277</sup> and the UN Development Programme (UNDP) Global Commission on HIV/AIDS and the Law further reinforced the call for a shift in emphasis from a criminal justice perspective to one of public health and human rights, noting that there was a need to

Reform approaches towards drug use. Rather than punishing people who use drugs but do no harm to others, governments must offer them access to effective HIV and health services, including harm reduction programmes and voluntary, evidence based treatment for drug dependence.<sup>1278</sup>

In 2014, the WHO publicly stated their support for decriminalisation of drugs arguing that, "Countries should work toward developing policies and laws that decriminalize injection and other use of drugs and, thereby, reduce incarceration."<sup>1279</sup> More recently, several other organisations have formally stated their support for some form of decriminalisation of drug use in order to shift policies away from incarceration and towards a public health approach. The United Nations Population Fund (UNFPA),

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<sup>1276</sup> International AIDS Society, International Centre for Science in Drug Policy (ICS DP), and the British Columbia (BC) Centre for Excellence in HIV/AIDS, *The Vienna Declaration*, July 2010 [online]. Available from: <<http://www.viennadeclaration.com/the-declaration/>> (accessed 30/04/16)

<sup>1277</sup> Sadia Kaenzig, 'Drug Users Need Treatment Not Incarceration', *International Federation of the Red Cross and Red Crescent Societies*, 20<sup>th</sup> March 2012 [online]. Available from: < <http://www.ifrc.org/en/news-and-media/news-stories/international/drug-users-need-treatment-not-incarceration/#sthash.Mx54muxp.dpuf> > (accessed 30/04/16).

<sup>1278</sup> Global Commission on HIV and the Law, *Risks, Rights & Health: Executive Summary*, (New York: United Nations Development Programme (UNDP), July 2012), p. 7.

<sup>1279</sup> World Health Organization (WHO), Department of HIV/AIDS, *Guidelines Consolidated Guidelines on HIV Prevention, Diagnosis, Treatment and Care for Key Populations*, (Geneva: WHO, July 2014), p. 91.

UN High Commission for Refugees (UNHCR), The World Bank, UN Educational, Scientific and Cultural Organization (UNESCO), UNODC, UNAIDS, International Labour Organization (ILO), UN Children's Emergency Fund (UNICEF) all supported a WHO-produced report in 2015 calling for decriminalisation of drugs and improved access to harm reduction for everyone but especially young people in order to reduce marginalisation and improve health.<sup>1280</sup> Also in 2015, UN Secretary General Ban Ki Moon stated that “We must consider alternatives to criminalization and incarceration of people who use drugs...”<sup>1281</sup> The new UN Secretary General, Antonio Guterres, who as Portugal's Prime Minister instituted decriminalisation, has also spoken out in support of such policies.<sup>1282</sup>

Perhaps in response to these calls from so many international bodies the UNDOC prepared a briefing paper for the International Harm Reduction Conference in Malaysia in 2015 stating that “Decriminalising drug use and possession for personal consumption is permitted by the international drug control conventions and is a key element of the HIV response among people who use drugs”.<sup>1283</sup> However, they quickly rolled back on this and claimed the paper was a discussion document that was not meant for publication.<sup>1284</sup> This was despite having produced a discussion paper in 2009 that called for drug policies to be based on a health-based approach rather than criminalisation.<sup>1285</sup> Yet a clear case can still be made that in the view of many international health and human rights organisations, the prohibition paradigm itself creates more harms than the illicit use of drugs themselves. These organisations are now regularly challenging the ‘drugs as a threat’ discourse, instead calling for more

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<sup>1280</sup> World Health Organization (WHO), *Technical Brief HIV and Young People Who Inject Drugs*, WHO/HIV/2015.10, (Geneva: WHO, 2015), p. 19.

<sup>1281</sup> Ban Ki Moon, *United Nations Secretary-General Message on International Day against Drug Abuse and Illegal Trafficking*, United Nations, 26<sup>th</sup> June 2015 [online]. Available from: <http://www.un.org/en/events/drugabuseday/2015/sgmessage.shtml> (accessed 30/04/16).

<sup>1282</sup> United Nations, *Secretary-General Stresses ‘Vital’ Need to Examine Effectiveness of War-on-Drugs Approach, in Message for International Day*, United Nations Press Service, 22<sup>nd</sup> June 2017 [online]. Available from: <https://www.un.org/press/en/2017/sgsm18585.doc.htm> (accessed 07/12/17).

<sup>1283</sup> UNODC, *Briefing paper: Decriminalisation*, [online].

<sup>1284</sup> United Nations Office on Drugs and Crime (UNODC), *UNODC Spokesperson Statement* in response to the briefing paper on decriminalisation, UNODC, 19<sup>th</sup> October 2015 [online]. Available from: <https://www.unodc.org/unodc/en/press/releases/2015/October/statement-by-the-spokesperson-for-the-un-office-on-drugs-and-crime.html> (accessed 24/03/16).

<sup>1285</sup> United Nations Office on Drugs and Crime (UNODC), *From Coercion to Cohesion Treating Drug Dependence Through Health Care, Not Punishment*, Discussion paper based on a scientific workshop, Vienna, October 28-30, 2009 (New York: United Nations, 2010).

humane policies that improve public health, human rights and the marginalisation and stigmatisation of drug users.

## 5. Legally regulated markets for the supply of cannabis

Whilst this thesis has argued that the US has been at the forefront of promoting a prohibitionist paradigm for drug control, notable challenges to the ‘drugs as threat’ discourse have also come from within the US. As mentioned in the previous chapter (Chapter Five), the legal status of cannabis has been discussed in the US since the early 1970s: the Shafer Commission, established by US President Richard Nixon, proposed removing criminal sanctions for cannabis use in 1972<sup>1286</sup> but this was ignored. In 1972, the state of California held a ballot initiative to decriminalise cannabis but this failed by 66-33.<sup>1287</sup> However, the Supreme Court of the state of Alaska, in 1975, ruled that an adult could possess and use up to one ounce of cannabis for personal use within their own home without criminal or civil penalty.<sup>1288</sup> The US state of Oregon first attempted to overturn cannabis prohibition through a ballot initiative in 1986, but at the height of Reagan’s ‘war on drugs’, this failed to pass by 74-26%.<sup>1289</sup> Even so, there was a growing debate about the use of cannabis for both recreational and medical purposes. Under the Single Convention, medical use of cannabis was not recognised outside of South Asian indigenous medicine and it was deemed to have no legitimate medical use and be liable to abuse under the US Controlled Substances Act of 1970.<sup>1290</sup> By the mid-1990s, the debate about medical cannabis use was increasing in the US and in 1996 California passed the Compassionate Care Act which established a legally system for access to medical marijuana.<sup>1291</sup> Since this time, many other US states have established systems for medical cannabis use.<sup>1292</sup> Under these systems, which vary greatly from

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<sup>1286</sup> National Commission on Marihuana and Drug Abuse, *Marihuana: A Signal of Misunderstanding: First Report of the National Commission on Marihuana and Drug Abuse*, (Washington, D.C.: United States Government, 1972).

<sup>1287</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, p. 3.

<sup>1288</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, p. 3.

<sup>1289</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, p. 3.

<sup>1290</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, p. 3.

<sup>1291</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, p. 3.

<sup>1292</sup> At the time of writing, there are 29 states and the US territories of Guam, Puerto Rico and Washington D.C. that allow medical marijuana programmes. See, National Conference for State Legislatures (NCSL), *State Medical Marijuana Laws*, NCSL, Washington D.C., 30th August 2017 [online]. Available from: <http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx> (accessed 04/09/17).

state to state, a prescription is given for medical cannabis by a doctor and can then be used to purchase the drug from a registered provider.<sup>1293</sup>

Since the early 2000s, a number of US states have discussed going further than the Dutch ‘coffee shop’ system by introducing legally regulated systems of the production, sale and use of cannabis in their jurisdictions through voter initiatives.<sup>1294</sup> Legal regulation of cannabis is the clearest challenge yet to the ‘drugs as a threat’ discourse and some of the campaign messages highlight alternative narratives including how prohibition has failed to protect people and that regulation of the trade would improve safety and undermine the role of organised crime in the trade. Some have also called for cannabis to be regulated like alcohol.<sup>1295</sup> In 2010, California voted on legally regulating cannabis but the ballot initiative failed, largely due to a poor regulatory framework and opposition from the medical marijuana industry.<sup>1296</sup> In 2012, learning from California’s experience, ballot initiatives proposing much stricter regulation were held in Washington state and Colorado, and these passed.<sup>1297</sup> A ballot measure was also held in Oregon in 2012 but again this failed, partially because of the poor regulatory system that was put forward.<sup>1298</sup> However, in 2014 Oregon held a new vote on legally regulated cannabis markets that was successful, in part because it proposed a more rigorous form of regulation.<sup>1299</sup> The states of Alaska and Oregon and the district of Washington D.C. also voted to tax and regulate cannabis in 2014 and California, Massachusetts, Maine and Nevada voted in favour of

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<sup>1293</sup> See, National Conference for State Legislatures (NCSL), *State Medical Marijuana Laws*, [online].

<sup>1294</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, p. 4.

<sup>1295</sup> In 2009 and 2010, Californian Assemblyman Tom Ammiano sponsored two legislative bills to regulate cannabis that would have given regulatory oversight to the Department of Alcoholic Beverages. See, Crick et al., *Legally Regulated Cannabis Markets in the US*, p. 4; The successful Colorado campaign for legally regulated markets in cannabis in 2012 ran on a message that ‘marijuana is safer than alcohol’. See, Crick et al., *Selling Cannabis Regulation*, p. 9; Oregon’s successful ballot initiative in 2012 gave oversight of the regulatory system to the Oregon liquor control board. See, *The Revenue Impact of Marijuana Legalization Under Measure 91*, Research Report # 3-14, (Salem, OR.: State of Oregon Legislative Revenue Office, September 2014), p. 1.

<sup>1296</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, pp. 4-5.

<sup>1297</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, pp. 6-8.

<sup>1298</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, p. 5; Crick et al., *Selling Cannabis Regulation*, p. 10.

<sup>1299</sup> Chris McGreal, ‘Oregon and Alaska Voters Approve Legalise Recreational Marijuana Laws’, *the Guardian*, 5th November 2014 [online] - <https://www.theguardian.com/us-news/2014/nov/05/oregon-legalises-marijuana-recreational> (accessed 8/8/17).

similar systems in 2016.<sup>1300</sup> In January 2018, the Vermont legislature voted to regulate recreational use of cannabis, making it the first state to do so through the legislature rather than public ballot.<sup>1301</sup> What the votes in California in 2010 and 2016, and Oregon in 2012 and 2014, suggest is that voters want tightly regulated systems of control for the supply of cannabis rather than weaker systems.<sup>1302</sup> In the country that argued strongly for drugs to be considered a threat and that strict prohibition of non-medical use was a necessity, now over half of US states have some form of legally regulated system of cannabis use, whether medical or recreational.<sup>1303</sup> Under these regulated systems the production and sales of cannabis is tightly controlled. Producers must apply for a licence to grow, state the relative strength of the active components in cannabis, and in some cases, record what pesticides are used on the plants.<sup>1304</sup> Distributors must also apply for a licence to operate and limit access to people over the age of 21.<sup>1305</sup> Both producers and distributors must also pay taxes to the state and local governments.<sup>1306</sup> These regulatory systems have put the federal US government in a difficult position in relation to the UN drug control treaties because legally regulated systems for the supply of cannabis are in contravention of the Single Convention as they do not comply with the commitment to limit drug use to medical and scientific purposes. Under the Obama administration, the US federal government argued that firstly, it had no power to interfere in state laws, and secondly, that the UN treaties allow for a certain amount of flexibility.<sup>1307</sup> President Trump's Attorney General,

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<sup>1300</sup> NORML, *Legalization* [online]. Available from: <<http://norml.org/legalization>> (accessed 30/10/17).

<sup>1301</sup> Tom Angell, 'Vermont Governor Signs Marijuana Legalization into Law', *Forbes.com*, 22<sup>nd</sup> January 2018 [online]. Available from: <<https://www.forbes.com/sites/tomangell/2018/01/22/vermont-governor-signs-marijuana-legalization-into-law/#1ada98f5526a>> (accessed 23/01/18).

<sup>1302</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, pp. 5-6.

<sup>1303</sup> 31 states have some form of medical use of cannabis, 8 states and the District of Columbia (DC) also legally regulated systems for recreational use of cannabis. See, NORML, *State Info* [online]. Available from: <<http://norml.org/states>> (accessed 30/10/17).

<sup>1304</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, pp. 8.

<sup>1305</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, pp. 8.

<sup>1306</sup> Crick et al., *Legally regulated cannabis markets in the US*, pp. 8.

<sup>1307</sup> John Collins, 'The State Department's Move to a More Flexible Diplomatic Policy on Drugs is a Rational Approach to a Difficult Question', *LSE blog, London School of Economics*, 1st December 2014. Available from: <<http://blogs.lse.ac.uk/usappblog/2014/12/01/the-u-s-new-more-flexible-diplomatic-doctrine-on-drugs-is-a-rational-approach-to-a-difficult-question/>> (accessed 08/08/17); Crick et al., *Legally Regulated Cannabis Markets in the US*, pp. 13-14.



Jefferson Sessions, however, has recently rescinded this previous guidance and reaffirmed the federal government's commitment to the idea that "marijuana activity is a serious crime".<sup>1308</sup>

In light of the development of regulatory systems for the control and taxation of cannabis in the US, other states have begun to explore alternatives to the prohibitionist system. In 2013, the Uruguayan legislature voted in favour of establishing the legally regulated supply of cannabis, arguing that this would end the role of organised crime in the cannabis trade.<sup>1309</sup> Uruguayan president Jose Mujica, in effect, attempted to create a form of counter-securitization whereby he argued that the role of organised crime in the cannabis trade represented a threat to public security<sup>1310</sup> and therefore this trade needed to be controlled and regulated by the government. Whilst public opinion did not indicate overall acceptance of this framing - indeed polling suggests that almost two thirds opposed the law<sup>1311</sup> - the formal audience of the Senate voted in favour of the measure by 16 to 13 votes.<sup>1312</sup> In defence of their stance, the Uruguayan government argued that the creation of a legally regulated market for the supply of cannabis was in line with the objectives of the UN drug control system – that of protecting the "health and welfare of mankind"<sup>1313</sup> – and that the new system would be better for health, human rights and the security of the country. They also argued that their adherence to the

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<sup>1308</sup> Jefferson B. Sessions III, *Memorandum for All United States Attorneys: Marijuana Enforcement*, (Washington D.C.: Office of the Attorney General, 2018) [online]. Available from: < <https://www.justice.gov/opa/press-release/file/1022196/download> > (accessed 09/01/18).

<sup>1309</sup> Roque Planas, 'Legalizing Weed is 'A Security Issue', Says Uruguayan President', *Huffington Post*, 21st August 2014 [online]. Available from: < [http://www.huffingtonpost.com/2014/08/21/mujica-weed-security-n\\_5698413.html?utm\\_hp\\_ref=tw](http://www.huffingtonpost.com/2014/08/21/mujica-weed-security-n_5698413.html?utm_hp_ref=tw) > (accessed 23/08/2017).

<sup>1310</sup> In a media interview with, Mujica noted that "We've given this market as a gift to the drug traffickers and that is more destructive socially than the drug itself, because it rots the whole of society." See, Malena Castaldi, 'Uruguay Set to Become First Country to Legalize Marijuana Trade', *Reuters*, 10<sup>th</sup> December 2013 [online]. Available from: < <http://www.reuters.com/article/us-uruguay-marijuana/uruguay-set-to-become-first-country-to-legalize-marijuana-trade-idUSBRE9B905A20131210> > (accessed 04/09/2017).

<sup>1311</sup> John Walsh and Geoff Ramsey, *Uruguay's Drug Policy: Major Innovations, Major Challenges*, (Washington D.C.: Brookings Institute, 2016), p. 2.

<sup>1312</sup> Anderson Antunes, 'Uruguay 'Breaks the Taboo' and Legalizes Marijuana to Tackle Drug Trafficking', *Forbes.com*, 10<sup>th</sup> December 2013 [online]. Available from: < <https://www.forbes.com/sites/andersonantunes/2013/12/10/uruguay-breaks-the-taboo-and-legalizes-marijuana-to-tackle-drug-trafficking/#7ec0feed2f7d> > (accessed 04/09/2017).

<sup>1313</sup> United Nations, *The Single Convention*, p. 11.

UN's human rights principles overrides their adherence to the drug control treaties.<sup>1314</sup> In 2015 the Canadian government announced that they would establish legally regulated systems for the production, sale and use of cannabis in the near future, which is due to come into force in 2018, to protect society, particularly children.<sup>1315</sup> During his successful election campaign, Justin Trudeau argued that his party

took the position we have to control and regulate marijuana primarily for one reason. Mr Harper's current approach is not protecting children... it [is] easier for young people to buy a joint than it is for them to buy cigarettes or alcohol...<sup>1316</sup>

These developments have been highly criticised by the UN drug control bodies, particularly the INCB. Raymond Yans, then president of the INCB, accused Washington and Colorado's regulatory systems of being "a violation"<sup>1317</sup> of the Single Convention and strongly criticised Uruguay, arguing that the country had "knowingly decided to break the universally agreed and internationally endorsed legal provisions of the treaty".<sup>1318</sup> At the United Nations General Assembly Special Session (UNGASS) in 2016, the current president of the INCB, Werner Sipp reinforced the criticism of legally regulated

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<sup>1314</sup> David Bewley-Taylor, Martin Jelsma, Steve Rolles, and John Walsh, *Cannabis Regulation and the UN Drug Treaties: Strategies for Reform*, (Washington D.C.: Washington Office on Latin America (WOLA), June 2016) p. 14.

<sup>1315</sup> Government of Canada, *Legalizing and Strictly Regulating Cannabis: The Facts*, (Ottawa: Government of Canada, 30th May 2017). Available from: <<https://www.canada.ca/en/services/health/campaigns/legalizing-strictly-regulating-cannabis-facts.html>> (accessed 8/8/17); Bewley-Taylor et al., p. 6.

<sup>1316</sup> ----, 'Trudeau's Biggest Reason to Change Marijuana Laws: Protecting Children', *Global News Canada*, 10<sup>th</sup> September 2015 [online]. Available from: <<http://globalnews.ca/video/2213314/trudeaus-biggest-reason-to-change-marijuana-laws-protecting-children>> (accessed 04/09/17).

<sup>1317</sup> I International Narcotics Control Board (INCB), *US Recreational Cannabis Use Would Violate International Laws, UN Anti-Narcotics Panel Says*, United Nations News Centre, 14<sup>th</sup> March 2013 [online]. Available from: <<http://www.un.org/apps/news/story.asp?NewsID=44376#.Vvk1qvkrLcs>> (accessed 15/08/13).

<sup>1318</sup> International Narcotics Control Board (INCB), *Uruguay is Breaking the International Conventions on Drug Control with the Cannabis Legislation Approved by its Congress*, United Nations Information Service, 11<sup>th</sup> December 2013 [online]. Available from: <[https://www.incb.org/documents/Publications/PressRelease/PR2013/press\\_release\\_111213.pdf](https://www.incb.org/documents/Publications/PressRelease/PR2013/press_release_111213.pdf)> (accessed 10/01/14).

markets in cannabis but supported a more flexible approach to the drug control system in order to improve the health and human rights of citizens.<sup>1319</sup>

With all of these regulatory systems for the supply of cannabis, much of the discourse centres around regaining the control of the trade and improving the health and welfare of citizens. From protecting children (Canada and Washington state)<sup>1320</sup> to protecting national security (Uruguay)<sup>1321</sup> and eliminating the role of organised crime (Uruguay and Colorado),<sup>1322</sup> the emphasis has been on how the prohibition of cannabis has forced governments to “deregulate”<sup>1323</sup> or relinquish control of the trade altogether. Legally regulated markets for the supply of cannabis are the clearest examples of a challenge to the ‘drugs as a threat’ discourse, as well as putting states that establish such systems in contravention of the UN drug treaties. However, the UN bodies have little power to do more than just criticise these states. The UNODC and INCB’s lack of power has been exacerbated by the fact that the US – which, since the amendment of the Foreign Assistance Act in 1986 gave US presidents the power to ‘certify’ or ‘decertify’ countries according to their commitment to the UN drug control treaties (see Chapter Five) - has often positioned itself as the enforcer of the drug conventions<sup>1324</sup> but now has some states that are themselves in contravention of the conventions. This has made it much harder for the US to censure other states for such practices.

## 6. Conclusion

Whilst these alternative forms of drug control continue to proliferate and to challenge the prohibitionist drug control system and the ‘drugs as a threat’ discourse, it is not possible to say that the securitization of drugs has yet collapsed as the examples of the ‘drugs as a threat’ discourse in practice included in this chapter have shown. This is despite the prohibition of non-medical use of drugs having had huge negative impacts for drugs users and wider society including increasing infections of blood-borne viruses amongst drug users, exacerbating marginalisation and poverty, as well as escalating violence and conflict. The majority of states still hold fast to the prohibitionist logic

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<sup>1319</sup> Robin MacKay and Karin Phillips, *The Legal Regulation of Marijuana in Canada and Selected Other Countries*, Legal and Social Affairs Division, (Parliamentary Information and Research Service, Library of Parliament: Ottawa, 2016), p. 5.

<sup>1320</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, p. 8.

<sup>1321</sup> Planas, [online].

<sup>1322</sup> Crick et al., *Legally Regulated Cannabis Markets in the US*, p. 8; Planas [online].

<sup>1323</sup> Crick et al., *Selling Cannabis Regulation*, p. 6.

<sup>1324</sup> Andreas and Nadelmann, p. 38, p. 43; Gerber and Jensen, p. 11.

even whilst they institute harm reduction policies. The provision of drug consumption rooms (DCRs), needle and syringe exchange programmes (NSP), opiate substitution therapies (OST) and decriminalisation all aim to address other harms that are considered a greater problem than illicit drug use itself. For example, DCRs address public nuisance, outdoor drug use and overdoses; NSPs tackle HIV and other blood-borne viruses and the marginalisation of drug users; OST focusses on the threat posed by HIV and other blood-borne viruses and overdoses and marginalisation; and decriminalisation attempts to reduce the marginalisation and criminalisation of users. All these practices attempt to provide users with medical and social/welfare support in order to improve their health and wellbeing and to protect non-users from the negative impacts of illicit drug use.

As has been discussed in this chapter, harm reduction and decriminalisation are allowed under the Single Convention but have been strongly criticised in international public discourse, especially by the INCB and US. This is where the securitization of drugs can be seen most strongly. The US and other states such as Russia, China, Sweden and Japan,<sup>1325</sup> and the INCB continue to promote the 'drugs as a threat' and 'drug-free world' discourses and criticise harm reduction methods for undermining these discourses. This tension is an example of how powerful the securitization of drugs has been: that the guardian of the treaties (INCB) and the policeman of the treaties (US) continued to censure states for carrying out harm reduction practices aimed at improving the health and welfare of citizens even though these practices are explicitly allowed under the Single Convention. Whilst these policies sit within a prohibitionist framework, they are not based on the 'drugs as a threat' discourse, indeed most of these practices are aimed at reducing other threats to the drug user (HIV and other blood-borne infections, and overdose) or society in general (public nuisance, open air drug scenes, the marginalisation of users). Rather, as has been discussed in detail above, they function within alternative control frameworks such as the medico-social model or regulatory systems.

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<sup>1325</sup> Buxton, *The Political Economy of Narcotic Drugs*, p. 161.

## Chapter Seven

### Conclusion

This thesis has combined securitization theory with the concept of the *dispositif* in order to analyse the development of the international drug control system and the accompanying 'drugs as a threat' discourse. The securitization framework helps explain how drugs have been framed as a threat to humankind and the state at the national and international levels and how this understanding of drugs as a threat contributed to the prohibition of drugs for all but medical and scientific purposes becoming seen as the most effective way of dealing with the 'drug problem'. Securitization theory also contributes to understanding how the international consensus around drug policy was established and maintained, and why it has been so hard to challenge this perspective - with states that deviated from the prohibitionist norm being heavily criticised. The thesis concludes that the drug control *dispositif* has continued to evolve over time but that the securitization of drugs in the twentieth century attempted to restrict the options available to states to prohibition of non-medical use only. Whilst prohibition remains the overriding paradigm through which drugs are controlled, more and more states are now experimenting with alternative approaches as evidence of the harms caused by prohibition to the "health and welfare of mankind"<sup>1326</sup> and the state mount up. This suggests that the 'drugs as a threat' discourse, although still highly prevalent, is increasingly coming under strain. By using securitization theory, particularly the work of 'second generation' securitization scholars who emphasise a more context-laden, process-orientated approach, I identify key points in the development of the 'drugs as an existential threat' narrative and show how they have re-shaped the drug control *dispositif*.

#### **1. The 'sociological' interpretation of securitization theory in application**

In terms of developing and contributing to securitization theory, this research has used an empirically embedded 'sociological' interpretation and has focussed on understanding the processes through which an issue becomes securitized. Whilst the original Copenhagen School framework was innovative in its explanation of how non-traditional security threats come into being, it has been widely criticised for being under-theorised in relation to some of its core elements.<sup>1327</sup> 'Second

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<sup>1326</sup> United Nations, *The Single Convention*, p. 1.

<sup>1327</sup> Balzacq, 'The Three Faces of Securitization', pp. 171-201; Balzacq, 'Enquiries into Methods', p. 35; McDonald, p. 16; Stritzel, 'Towards a Theory of Securitization', pp. 360-376; O'Reilly, pp. 66-72; Sjostedt, pp. 7-29; Salter, 'Securitization and Desecuritization'; Vaughn, p. 274.

generation' securitization scholars, have built upon the original conceptualisation in order to develop the theory in new ways. This thesis finds that when applying securitization theory to empirical case studies, the 'sociological' variant of securitization theory is better able to capture the processes through which an issue becomes constructed as an existential threat than the Copenhagen School framework. This is because it places more emphasis on analysis of the intersubjective relationship between actor and audience as part of the securitizing agent, the role of everyday security practices in securitization and the context in which securitization takes place. 'Second generation' securitization theory therefore, provides a more in-depth framework of analysis that can be applied to empirical examples of threat-construction. This section will summarise the strengths of 'second generation' securitization theory when applied to empirical analysis of threat-construction using examples from the case studies under investigation here.

This thesis finds that, *contra* to the CS framework in which actors and audiences are separate components of the securitization process, actors and audiences operate as integral facets of the agent of securitization.<sup>1328</sup> This approach allows the analyst to explore how these groups contribute to, or resist, the construction of an issue as a security threat. The audience is not a passive recipient of the speech act but an active participant that plays an important role in both how the threat-construction is framed and received. Actors tailor their message to the audience(s), but these audiences have agency in the way they process the messages. This thesis has also shown that actors and audiences are not distinct and unchanging groups, instead, agents of the securitization can play the part of both actor and audience at different points in the process. Examples of this include UN members states during the drafting and ratification process of the Single Convention, or the role of the media and general public in the Reagan administration's 'war on drugs'. Furthermore, whilst the CS are contradictory about the importance of the intersubjective relationship between actor and audience,<sup>1329</sup> this thesis shows that the intersubjective negotiation between facets of the agent is an important part of the process of securitization.

The CS framework's emphasis on the extraordinary nature of security, emergency/extraordinary measures, and the speech act,<sup>1330</sup> means that it fails to account for the everyday practices that contribute to creating, or reinforcing, the construction of an issue as a security threat. Analysis of the

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<sup>1328</sup> Balzacq, 'Enquiries into Methods', p. 35.

<sup>1329</sup> Balzacq, 'The Three Faces of Securitization', pp. 175-176; Stritzel, 'Towards a Theory of Securitization', p. 376; McDonald, p. 16.

<sup>1330</sup> Buzan et al., pp. 24-25.

empirical case studies in thesis show that, as Balzacq and Bigo have already noted,<sup>1331</sup> everyday security practices such as border controls and law enforcement policies, play as important a part as discourse, in creating the conditions for successful securitizations. This thesis has also shown that international trade, licensing, medical and pharmaceutical practices can also contribute to the establishment of an issue – in this case drugs – becoming constructed as a security threat. These practices function as part of the drug control *dispositif* and they were often profoundly affected by the securitization of drugs. For example, despite the Single Convention confirming the importance of drugs for pain relief, the identification of drug misuse as a threat to humankind severely restricted the availability of these substances for such purposes.

Buzan et al.'s emphasis on the speech act event<sup>1332</sup> and the moment of acceptance fails to fully capture the processes through which an issue becomes identified as an existential threat. The analysis in this thesis shows that the securitizing move can take place over a relatively long period of time – the drafting of the Single Convention for example, took thirteen years to complete and even longer for it be integrated into domestic laws – and often consists of multiple speech acts – such as those carried out by Ronald and Nancy Reagan, as well as other members of the Reagan administration - that are reinforced by a wide variety of everyday practices. Rather than attempting to pinpoint the moment the securitization becomes successful, an empirical application of 'second generation' securitization theory suggests it is more realistic to analyse whether an issue has reached the threshold of securitization as proposed by Salter.<sup>1333</sup> This approach better describes the processes through which an issue becomes accepted as a security threat than focussing on the speech act event and its reception by an audience.

This thesis has also found that seeing the speech act as the “analytical but not ontological starting point”,<sup>1334</sup> allows the analyst to work backwards from the speech act in order to analyse the antecedents of the threat designation and how it came to be constructed in the way that it did. This technique helps to place the speech act event within its historical and social context and also provides a methodological guide for how to apply securitization theory to empirical case studies. Thus for example, whilst Buzan et al. recognise context as one of their 'facilitating conditions', other scholars

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<sup>1331</sup> Balzacq, 'A Theory of Securitization', p. 16; Bigo, 'Globalised (in)Security', p. 6.

<sup>1332</sup> Buzan et al., p. 26.

<sup>1333</sup> Salter, 'When Securitization Fails', p. 120.

<sup>1334</sup> Hindmarch, p. 30.

have argued that it is one of the most under-developed aspects of their framework.<sup>1335</sup> Exploration of the social and historical context in which the securitizing moves are made highlights the external factors that contribute to the success of a securitizing move, such as the changing balance of power in the international system after World War II, and the Cold War in the 1980s. Analysis of the context illuminates the pre-existing narratives that are used in the securitization process, such as the ‘othering’ of those that participate in the illicit drug trade and the establishment of a dichotomy between ‘good’ drug use and ‘bad’ drug use. The context also shapes the ways in which the securitizing moves are received and actualised by the agent(s) and the relationship between the securitization(s) and the *dispositif*.

## **2. Securitization and the drug control *dispositif***

Whilst this thesis has shown that ‘second generation’ securitization theory is more useful to empirical analysis of the processes by which an issue becomes identified as a security issue than the CS framework, it is important to recognise that using any form of securitization theory has constraints. In particular, by focusing the construction of an issue as a security threat, other ways of interpreting the issue can be overlooked. For example, analysing the development of the international drug control system through the lens of the development of the internationalisation of Western medical discourse, may highlight the role of alternative processes and influences. Analysing the *dispositif*, in conjunction with securitization theory, aims to overcome some of the limitations of a security-focussed approach. Deployment of the concept of the *dispositif* highlights the connections between the wide range of practices and discourses, agents and contexts, that play a part in establishing a successful securitization. Identification of the *dispositif* also illustrates the range of options that have been used to control drugs before they became securitized, therefore bringing to the fore alternative ways that the issue has been perceived. Analysis of how the drug control *dispositif* has been affected by the securitization of drugs, highlights the power and resilience of the prohibitionist nature of the international drug control system.

This thesis has shown that drug control and drug prohibition are not synonymous: that many forms of drug control have existed through the period under investigation, and prohibition is only one of them. However, the two case studies of securitization analysed in this thesis have contributed to drugs being constructed as a threat to humankind and the state which has led to a punitive system of prohibition being established across most of the world. Each of these speech acts was a key nodal point in the

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<sup>1335</sup> Stritzel, ‘Towards and Theory of Securitization’, p. 360; Balzacq, ‘The Three Faces of Securitization’, pp. 171-201.



securitization of drugs and the development of the international drug control system. They have also caused the drug control *dispositif* to be reoriented and have limited the range of options for control open to states, even if this is now being challenged in numerous ways. The construction of drugs as an existential threat to humankind and the state has become so widely accepted that this has led to prohibition becoming a hegemonic discourse whereby even now, states that deviate from the status quo are criticised for not abiding by the 'spirit' of the conventions<sup>1336</sup> and the 'drug-free world' continues to be articulated as the aim in many states and international organisations.<sup>1337</sup>

In-depth analysis of the *dispositif* of the control of drugs brought to light the practices that operate within it: ranging from strict criminal justice policies such as the death penalty and life imprisonment on the one hand to harm reduction practices including opiate substitution therapies and legal regulated systems of cannabis on the other. Though these practices operate through different modes of control, whether prohibition, medico-social frameworks or regulatory systems, they all aim to control either the substances themselves (such as quality controls and licensing) or users (punishing them or treating them) and traffickers/producers (punishing them or supporting them). This thesis has shown that the drug control *dispositif* came into being first in individual states in the mid-nineteenth century and then developed into an international system during the twentieth century. Initially, the *dispositif* evolved around the need for drugs to be controlled and a wide range of options were available to governments in order to do this. In the early phase of the drug control *dispositif*, control was instituted through domestic pharmaceutical and medical regulations with a focus on quality controls and licensed distributors, with little regard for who was using these drugs and for what purposes. However, moral and political entrepreneurs argued that drug use (including alcohol), was a moral failing and that it impeded a persons' ability to function as a useful member of society. This then led to questions around what forms of drug use should be acceptable and a long-running debate about what constituted 'legitimate' use. The use of drugs was not, however, simply identified as a moral and social failing, drug use was also regularly associated with minority groups and foreigners across the industrialised world. In the US, for example the Chinese were linked with opium smoking, African-Americans with cocaine and the Mexicans with cannabis.<sup>1338</sup> It was also claimed that drugs, particularly opium, were used by foreign and minority groups in order to seduce young white

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<sup>1336</sup> Buxton, *The Political Economy of Narcotic Drugs*, pp. 161-162.

<sup>1337</sup> For example, as recently as October 2016, the Association of South East Asian Nations (ASEAN) reaffirmed their commitment to a 'drug-free' region. See, Association of South East Asian Nations (ASEAN), *The 5th ASEAN Ministerial Meeting on Drug Matters 20 October 2016*, (Singapore: ASEAN), p. 2.

<sup>1338</sup> Campbell, p.205.

women.<sup>1339</sup> The identification of these drugs, rather than alcohol and tobacco, as needing to be prohibited was underpinned by xenophobia and racism.

Later in the twentieth century, as patterns of drug use changed, drugs became negatively associated with others such as the working classes and counter-culture movements who were seen as a threat to the status quo.<sup>1340</sup> Illicit drug users became identified as 'deviant'<sup>1341</sup> and therefore threatening. Identifying drug users and those that produce or sell the substances as the 'other' situates them outside of normal society. This then allows them to be subject to a wide variety of responses in order to reintegrate them back into society. This 'othering' of drug users, particularly as immoral, deviant or foreign, reoccurs regularly throughout the period under investigation in this thesis. The framing of drug use as a moral failing, and then the 'othering', initially, of drug users and dealers, but later also including drug traffickers and drug producers, contributed to 'drugs' (and drug users, dealers and producers) being constructed as threatening. Initially drugs were identified as being a threat to humankind, but later, the state was also identified as being threatened by the drug trade. The result of the widespread acceptance of drugs as existentially threatening has been the establishment of prohibition as the primary mode of drug control for the majority of states. This has undermined the welfare of humankind and national security, the very referent objects that were identified as being in need of protection in the case studies analysed in this thesis and reoriented the drug control *dispositif* away from regulatory systems towards one based on prohibition.

### **3. From regulation to prohibition**

The second phase in the development of the drug control *dispositif* centred around international trade controls and criminal laws in the domestic sphere. The US argued that drugs were a threat to humankind and that international cooperation was needed in order to deal with the problem. They proposed that the best way to deal with this issue was to prohibit drugs for all but medical and scientific use. However, the European colonial states (Britain, France and the Netherlands), many of whom also had well-developed pharmaceutical industries, were in favour of keeping international controls to a minimum in order to make sure their economic interests were not harmed. During the League of Nations period, various states challenged the US perspective that prohibition was the most effective form of drug control, indeed the European colonial states claimed that their opium monopolies were successful in controlling opium use. The end of World War II, the rise of the US as a

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<sup>1339</sup> Bull, pp.43-47; Musto, p.43; Berridge, *Opium and the People*, pp. 260-61; De Kort and Korf, p. 136.

<sup>1340</sup> Baum, *Smoke and Mirrors*, p. 8; Stimson and Lart, p. 178; Korf et al., p. 453.

<sup>1341</sup> Cohen, pp. 4-5.

hegemonic power and decolonisation in the 1940s and 50s, all contributed to European states accepting the need for stricter forms of drug control and so the Single Convention was proposed. The US can be seen as the predominant actor in this phase of the development of the drug control *dispositif* although they attempted to destroy the Single Convention once it had been drafted due to perceived weaknesses in the proposed regime. However, once they overcame their concerns and saw that the international system had been strengthened by the treaty, they became a key player in the development of the drug control *dispositif* once again. The US was not the only important actor in shaping the drug control system in the twentieth century however. As the international drug control system developed, administrative bodies were established to monitor and evaluate it. The bureaucrats who were members of these bodies such as the Permanent Central Opium Board (PCOB) and the Drug Supervisory Board (DSB) - who were later merged to become the International Narcotics Control Board (INCB) - held a great deal of influence in shaping the drug control system and discourses associated with it.

The Single Convention was proposed as a way to rationalise the multitude of drug control treaties drafted by the League of Nations, as well as to introduce controls on the production of raw materials (coca, cannabis and opium) that had been left out of previous treaties. Whilst the convention did not comply with many of the US's objectives such as mandatory embargoes on states that overproduced or a 'closed list' of opium and coca producers, they did gain one major concession. This was the commitment by signatory states to limit all drugs to medical and scientific purposes only, something the US had been calling for since the Shanghai Opium Commission in 1909. Over time, the Single Convention has become one of the most ratified UN treaties and, along with the 1971 UN Convention on Psychotropic Substances and the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, became the cornerstone of the international drug control system. Though the Single Convention, did not stipulate that signatory states must prohibit all non-medical use of drugs, as it became integrated into domestic laws, it caused a reorientation of the drug control *dispositif* so that prohibition became seen as the primary solution to the 'drug problem'.

Crucially, the practices that were established within the drug control *dispositif* shaped the boundaries between licit and illicit drug use and therefore laid the groundwork for the identification of threatening forms of drug use, as well creating whole groups of people who were potentially threatening because they participated in the illicit drug trade. These practices were accompanied by discursive constructions of certain forms of drug use as being threatening which reinforced the dichotomy between 'good' drug use (medical and scientific) and 'bad' drug use (non-medical/non-scientific). The achievements of the international drug control system are measured through data

that further underpin the 'drugs as a threat' discourse. Examples include measurements of drug crops eradicated, amounts of drugs seized and numbers of people prosecuted rather than health or human rights-based measures. Where data on drug overdoses, levels of incarceration and violence or rates of HIV infections are recorded, they are seen as reasons to commit further resources to the system, rather than as measures of the failure of it to improve the health and welfare of citizens.

#### **4. Re-evaluating NSDD-221 and the US 'war on drugs'**

Though Richard Nixon is commonly credited with launching the 'war on drugs', this thesis argues that this was only a rhetorical 'war' and in fact the Nixon administration's drug policy was based on education and treatment. By contrast, the Reagan administration not only launched a real 'war' by involving the military in drug law enforcement overseas, but also slashed federal treatment budgets and called for Americans to 'Just Say No'. The practices and discourses that followed Reagan's securitization represented another reorientation of the drug control *dispositif* that resulted in growing concern about how the international drug trade could undermine national security and an increasing role for the military in the 'war on drugs'. Reagan's creation of drug 'certification' policy has also had profound effects. It legitimised the role of the US as the enforcer of the international drug conventions and allowed US presidents to prevent access to aid for those states that are deemed not to be carrying out their commitments to the international drug control system. US concern about the threats posed by drug use and drug trafficking were reflected in the 1988 UN Convention Against Illicit Trafficking Narcotic Drugs and Psychotropic Substances as were US-influenced law enforcement measures such as asset seizures.

As part of the original research that I have undertaken, I have examined documents in the Ronald Reagan Presidential Library and Museum that had not been viewed before. Some broad conclusions can be drawn from the combination of newspaper and archival analysis as well as first person accounts by key players that have not been elucidated previously. My research suggests that Reagan himself had little interest in drug policy except where it intersected with his other interests: fighting Communism, particularly in Central America, and a revival of conservatism and 'family values'. However, there were those in the Reagan administration who did appear to have had a more substantive interest in drug policy: Vice President George H.W. Bush who took an active interest in issues relating the drug trafficking and interdiction; and Carlton Turner who, archival documents show, had a deep antipathy to non-medical drug use. Turner promoted the idea of blaming drug users for the 'drug problem', criticised the Democrats for being soft on recreational users, and emphasised that the administration should not engage in any discussion of legalisation. Nancy Reagan also seems to

have taken a sincere interest in reducing drug use, even if her call to 'Just Say No' seemed somewhat naïve and failed to take into account the myriad reasons why people take drugs.

A further original contribution that this research makes to understandings of US and international drug policy in the 1980s is through in-depth analysis of which states were named in NSDD-221 and how their identification had little to do with actual levels of participation in the drug trade. This has been made possible because the document was fully declassified in 2011 but documents in the Reagan archives elucidate some of the reasons why Bulgaria, Cuba and Nicaragua were named rather than other countries that were well-known as participating in the drug trade. As discussed in Chapter Five, it is more likely that these states were named because they were Soviet allies or were engaged in supporting 'terrorists'. Vice President Bush's announcement about NSDD-221 named Cuba and Nicaragua in connection with drug trafficking but did not publicly name Bulgaria, despite the country being listed in NSDD-221. Archival documents show that the administration knew that Bulgaria was no longer involved in drug trafficking by the time that NSDD-221 was drafted. They also show that Bulgaria was suspected of being involved in the attempted assassination of Pope John Paul II and it was suggested that public criticism of the country should be restrained until the outcome of the investigation.

## **5. Challenges to the 'drugs as a threat' discourse**

As has already been noted, even as the securitization of drugs was becoming the predominant way of conceptualising the 'drug problem', and the prohibition of the non-medical use of drugs was accepted as being the best way of reducing the threat posed by the use of these substances, at the local government level the 'drugs as a threat' discourse was being challenged in myriad ways. The negative impacts of prohibition were recognised in 2008 by the head of the United Nations Office on Drugs and Crime (UNODC) when outlined five unintended consequences of the international drug control system: a "huge criminal black market", "policy displacement", "geographical displacement", "substance displacement" and the stigmatisation and marginalisation of drug users.<sup>1342</sup> Some of these unintended consequences have caused some states to shift their priorities in drug control. Chapter Six, therefore, has explored recent developments within the drug control *dispositif*. As was illustrated in Table 1 (the Drug Control *Dispositif*, p. 18), some of these practices function within the prohibition paradigm, and some exist outside it, but they all challenge the 'drugs as a threat' discourse. Many of the more recent policy innovations problematize various outcomes of illicit drug use – such as the

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<sup>1342</sup> Costa, pp. 10-11.

marginalisation of drug users, the spread of infectious diseases and public nuisance – rather than illicit use itself. Instead of aiming for a ‘drug-free world’ these practices aim to improve the health and well-being of drug users and the society they live in. These new policy developments largely reinforce the concept that drugs (and drug users) need to be controlled in some form and therefore function within the drug control *dispositif*, but they are a shift away from the securitized drug control system and in some cases, represent desecuritizations or counter-securitizations.

Despite the flexibility built into the international drug control system, wherever a territory enacts policies that move away from the ‘drugs as a threat’ discourse and the paradigm of prohibition, they are castigated by the International Narcotics Control Board (INCB) and in many cases, the US as well. This illustrates not only how international drug control bodies such as the INCB portray themselves as guardians of the treaties, but it also shows the range of competing threat discourses that are evolving within the drug control *dispositif*. Some states are now beginning to see HIV/AIDS, the marginalisation of drug users and public nuisance related to the illicit drug trade as greater problems than illicit drug use itself. Whereas the INCB and others see any policy development that does not comply with the prohibitionist paradigm as a threat to the system itself. The ‘drugs as a threat’ and ‘drug-free world’ discourses continue to be popular across the world and prohibition-minded states continue to criticise harm reduction methods and decriminalisation of possession for challenging these discourses even though they are explicitly allowed under the Single Convention. This conflict is an example of how powerful the securitization of drugs still is today. The alternative policy innovations discussed in this thesis – such as needle and syringe exchange programmes, opiate substitution therapies, drug consumption rooms, decriminalisation, and especially legally regulated markets for drugs - all challenge the ‘drugs as a threat’ discourse, even though many function within a prohibitionist framework. Instead, these practices are aimed at reducing other issues related illicit drug use such as HIV and other blood-borne infections, overdoses, violence, open air drug markets and the marginalisation of users, and as such, they establish alternative control frameworks such as the medico-social model or regulatory systems.

## **6. Conclusion**

In answering the primary research question – how have drugs been constructed as an existential threat at the international level and how has this construction changed over time? - this thesis has shown that in the early stage of the drug control *dispositif* there was no overall acceptance that non-medical/non-scientific was a threat to humankind and at this point, the emphasis was on regulating the sale and quality of substances. In the early twentieth century, the US began to construct drugs as

a threat to citizens and societies and argue that prohibition was the most effective way of dealing with this threat. Though this was disputed by many of the European states, by the time that the Single Convention entered into international law, there was a growing consensus that drug addiction was harmful, and that non-medical use of drugs should be prohibited. There was little recognition that not all recreational use caused addiction and the 1972 Amending Protocol explicitly broadened the threat out to include all 'drug abuse' rather than just drug addiction. Throughout the twentieth century, practices – such as the estimates and statistics and the identification of licit and illicit forms of drug use – contributed to the discursive construction of drugs as being threatening. At this point the drug control *dispositif* reoriented from a largely regulatory system of control to a prohibitionist form of control.

The Reagan administration reoriented the drug control *dispositif* once more by articulating a new referent object – the state – that was threatened by illicit drug trafficking, as well as illicit use. The administration also put forward new 'emergency measures' by legislating for the military to participate in counter-narcotics operations overseas and establishing the policy of 'certification' that gave the US the power to punish those states that it felt were not carrying out their commitments under the UN drug conventions. This new referent object and threat was then integrated into the 1988 UN Convention. Both at home and abroad, the US articulated the 'drugs as a threat' discourse and reaffirmed the desire for a 'drug-free world'. This has led to drug law enforcement programmes becoming increasingly militarised, as well as a vast upsurge in the number of people incarcerated for drug offences. The prohibitionist nature of the drug control *dispositif* has caused a great number of unintended consequences that have harmed the very referent objects that the Single Convention and NSDD-221 aimed to protect whilst at the same time, failing to eliminate the illicit market. By placing analysis of these specific examples of the securitization of drugs within the wider drug control *dispositif*, this research has shown that prohibition is not the only form of drug control that has existed and that it is the result of political, economic and social choices that were taken decades or more ago and based on outdated moral assumptions that designate certain forms of drug use as 'bad' and other forms as 'good'.

In addressing the second research question – to what extent does the 'sociological' interpretation of securitization theory, in conjunction with deployment of the concept of the *dispositif*, provide a better understanding of the processes of threat-construction than the Copenhagen School framework? - this thesis has shown that the 'sociological' variant allows for a more comprehensive analysis of the processes by which an issue becomes constructed as an existential threat than the original Copenhagen School perspective. A 'sociological' interpretation of securitization theory places greater

emphasis on the analysis of the intersubjective relationship between actor and audience and sees them both as important facets of the agent of securitization. The 'sociological' variant also considers in more depth the context in which the speech acts were carried out and the practices that contributed to the securitizations. These are all areas which have been underdeveloped in the CS version of the theory but have been found, in this thesis, to be key factors when analysing empirical examples of threat-construction. Furthermore, this form of securitization theory incorporates an exploration of the relationship between the *dispositif* and the securitizing moves which draws connections between disparate discourses and practices that are integral to the way that drugs have been, and are now, controlled. Deployment of the concept of the *dispositif* has drawn out the pre-existing narratives, such as the 'othering' of drug users, that contributed to the acceptance of drugs – and drug users, dealers and producers – as a threat to humankind and national security. At the same time, analysis of the *dispositif* also brings to light the range of drug control models that have existed over time and shows how the securitization(s) of drugs has reduced the options available to states when dealing with non-medical and non-scientific drug use and the trade that supplies it. However, the drugs as a threat narrative is under threat, not least in the United States where more and more states are establishing legally regulated markets for recreational cannabis use.



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